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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1994

Addendum

THAILAND

[23 August 1996]

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I. GENERAL MEASURES OF IMPLEMENTATION

1. Thailand became a signatory to the Convention on the Rights of the Child on 12 February 1992 with reservations with respect to articles 7, 22 and 29. The Convention came into effect on 26 April 1992. As per article 44 of the Convention, the Thai Government is now under an obligation to submit to the United Nations Committee on the Rights of the Child reports on measures it has taken to give effect to the rights recognized in the Convention and on the progress made on the enjoyment of those rights, within two years of the entry into force of the Convention and thereafter every five years.

A. Report preparation and dissemination of the Convention

2. The Prime Minister's Office is responsible for the preparation of the report. It has proposed to the National Youth Commission to appoint a Subcommittee on Child Rights to draw up the report as required by article 44 of the Convention.

3. The Subcommittee on Child Rights was established in August 1989 with the objective of promoting legal understanding of child rights among both children themselves and the general public. The Subcommittee has suggested many modifications in relevant laws and ministerial-level regulations. It has a total of 24 members from both the public and private sectors, including, from the legislative branch, members of parliament; from the judicial branch, judges and legal experts both from the courts and universities; government officials working with children on both administrative and operational levels and members of non-governmental and international organizations dealing with children, making up 10 out of the 24 committee members. The remaining 14 consist of representatives from various disciplines: lawyers, doctors, educational personnel, religious representatives, businessmen, industrialists, social workers, labourers and politicians. The Subcommittee is viewed as a national institution, established specifically to promote and monitor the implementation of child rights. By its heterogeneous composition and its direct relationship with non-governmental organizations, the Subcommittee truly reflects all facets of society. It provides an opportunity for members of the public and private sectors to play an equal role in completing its assignment.

4. The Subcommittee began working on the report with collaboration from UNICEF in 1993. With UNICEF's support three meetings had been arranged to finalize the procedures and outline of the report. This resulted in a prescription for 33 individual reports covering 19 key subjects. Many subjects were covered in more than one report as they had been worked out by both the public and private sectors.

5. The Subcommittee convened 3 meetings for those responsible for the 33 reports to ensure their cooperation, comprehension of the objectives and also to officially delegate the responsibility of writing the reports. All parties gave their cooperation. Also presented to the meetings were preliminary drafts, both written and oral, of some 30 reports, two fifths of which came from NGOs. This fact, coupled with the composition of the

Subcommittee, the drafting procedures and the nature of the subject-matter, demonstrated the active participation and significant contribution of the private sector at every step of report writing.

6. In December 1993, a seminar supported by UNICEF was organized by the public sector through the Subcommittee for the general public who were presented with a preliminary version of the report and asked to make criticism, comments or suggestions on its possible improvement. Over 200 participants from all walks of life, including members of the media and children, attended the two-day event. Many valuable ideas were gathered at this event, one of the most prominent being a general consensus that Thailand still lacked up-to-date, useful data on children as well as the mechanisms with which to collect those data. It was also agreed that the time had come for Thailand to move quickly to withdraw its decision to make reservations on three of the Convention's articles.

7. The next step still to be implemented is creating public awareness through a seminar on the importance and objectives of the report among those working with children in both the public and private sectors. Also targeted are the mass media, based in Bangkok and the provinces, in order for them to help disseminate the information.

8. Also in December 1993, Child Rights ASIANET, a children's rights network for the Asian-Pacific region, held a regional training programme for 18 Asian-Pacific countries. In particular, it aimed to train key policy makers and practitioners from both governmental and non-governmental sectors in the process of monitoring and reporting under the United Nations Convention on the Rights of the Child. Representatives from the United Nations Committee on the Rights of the Child also attended the seminar. Other NGOs have held periodic workshops on the Convention.

9. The ASIANET centre also plans to hold a series of seminars on the report and child rights awareness in the provinces of Thailand. The activities will be undertaken in cooperation with the Subcommittee and other NGOs so that children and the general public nationwide can have a better understanding of the issue.

10. Creating public awareness of the Convention is an objective common to many projects. The Subcommittee has so far twice published a bilingual Thai-English version of the Convention for public distribution, of which 10,000 copies were printed between 1992 and 1993. They were distributed among many public and private sector organizations, people who had to work with children and to school libraries. Another publication concerning child rights was published as an easy-to-comprehend comic book. This was also given out to NGOs and school libraries nationwide. The Subcommittee has set up a unit to raise funds for further printing of the comic book as part of its plans to promote the understanding of child rights among children.

11. Moreover, the NGOs jointly compiled a report that reflected the viewpoints of children from both rural and urban backgrounds on child rights. These viewpoints were aired on a Children Rights Platform, an annual event staged at the Parliament or the Government House where approximately 500 children from all over the country are given a chance to freely express

their ideas and feelings. The event, jointly organized by several non-governmental and governmental organizations, was first held in 1990 and has been extremely effective in raising awareness on child rights issues among the children themselves, the general public, as well as the administrative and legislative bodies. The Prime Minister and the Parliamentary House Speaker always attend the event.

12. The next step of the plan involves spreading the word among adults and children regarding the essence and implications of the Convention. Most of this will be achieved via public relations and seminars held in every region of the country. It is aimed at instilling an understanding of the implications of the Convention on children and youth. Videotapes, slides and short or long documentaries will be produced and supplied to the print or electronic media. In addition, there are plans to insert the issue of child rights into important seminars already being held so that more people will hear of the subject. The media in particular - television, radio, motion pictures, journals, news bulletins - are targeted, as are those directly working with children such as young farmers, extension officials, municipal and sanitary officials and other local government officials.

13. The Ministry of Education has begun to address the subject of child rights by publishing supplementary reading materials for primary and lower secondary levels entitled "Dok Mai Si Khao" ("White Flower") and "Banthuk Thung Phuan" ("Letter to a Friend"). Both are now being readied and both are aimed at teaching children their rights.

14. There have been some attempts at providing certain professional groups with training programmes on the Convention, but they are far from widespread. The National Youth Bureau (NYB) has included key points of the Convention in various five- to seven-day courses for those who work with children and youth and leaders of out-of-school rural youth groups. About 300 participants attend such courses every year. In addition, police officers and other law enforcement personnel who deal with children have been trained in courses organized by the Women Lawyers' Association and ASIANET. Nevertheless, it is generally accepted that there is still much more work to be done by the Subcommittee.

Problems

15. The Convention is disseminated within the Thai educational system, although it must be acknowledged that the teaching of human rights is still very much overlooked. The curriculum must be adjusted to allow more activities to make children understand the Convention by giving them practical exercises to air their personal viewpoints and to maintain their individuality and privacy, among other things.

Solutions

16. The Subcommittee on Child Rights will have to continue its work in disseminating and campaigning as well as proposing new procedures to the Ministry of Education and other related public and private agencies that will ensure that family studies henceforth cover the subject of child rights. It

is believed that Thailand's NGOs will play an ever increasing role in helping solve these problems as they already are one of the key front-line players for child rights.

B. The promotion of child rights

17. Although the Convention is an international treaty to which Thailand is a State party, it is not directly enforceable in Thai courts of law. However, Thailand has undertaken to abide by the provisions of the Convention and it has been particularly useful for monitoring implementation of child rights at the national level as well as to propel the process of law and reform and improved law enforcement. The Convention also helped improve the quality of life of children in all aspects. For example the Ministry of Public Health has stepped up measures to ensure the health of children in the 1990s in accordance with articles 6 and 24. Similarly, the Convention's articles on education led the Ministry of Education to extend compulsory education from six to nine years. The calls for vocational training and employment likewise led the Ministries of Education, Interior, and Labour and Social Welfare, the last of which was only established on 23 September 1993, to pay special attention to the importance of vocational training, setting a minimum age for employment (13) and actively keeping tabs on the welfare and working situation of youth, among other things.

18. The general principles and basic rights of the child outlined in the Convention's articles 1 through 5 define the word "child" and the obligation that State parties have to respect and protect the child from discrimination, ensuring the best interests of the child in terms of protection, care, services and appropriate measures while respecting the right of parents to discipline their child in a way appropriate to his or her age. Articles 6 through 8 centre on the child's rights to survive and develop, the right to be registered at birth and hence the right to a nationality, the right to preserve his or her identity and nationality, and the right to be reared by the parents. Articles 9 through 11 address the child's right to a family while articles 12 through 16, on rights and freedoms, are essentially the same basic rights as are enshrined in Thailand's 1991 Constitution in chapters 24-49 on rights and freedoms of Thai nationals.

19. Thailand became a signatory to the Convention but made reservations on three of its articles, 7, 22 and 29 (c). At the time of accession, it was felt in some quarters that it was necessary to enter these reservations owing to inconsistencies between national laws and policies and the Convention. However, since then non-governmental organizations have called for the withdrawal of the reservations.

20. There have been moves by the legislature to enable a child to exercise rights similar to those contained in article 7 by replacing the Nationality Act of 1965 with the Nationality Act of 1992 (version 2). Thai nationality is now conferred on anyone who has either a Thai father or mother. It was agreed that a child of a Thai woman could be considered Thai under the principle of blood relation, as would a child of a Thai male; the previous Nationality Act allowed Thai nationality to be conferred only to the offspring of a Thai father. Most of the other details remained unchanged but another Nationality Act of 1992 (version 3) went further to deal with the declaration of a child

to abandon Thai nationality in the case that a child desired to hold a different nationality. This amendment was an important step in the development of the legal system, making it more beneficial to the child. It is hoped that more of the Convention's article 7 provision will be implemented here so that Thailand's reservations on the article may eventually be lifted.

21. The promotion of child rights also takes the form of social events such as those which have been conducted yearly on National Children's Day (the second Saturday in January) and National Youth Day (20 September).

22. Articles 3 (3), 6 (2), 23 (4), 24, 25 of the Convention call for State parties to acknowledge the right of the child to the best health care possible, to eliminate acts that are detrimental to the child's health, to treat and maintain the child's mental and physical health and to ensure his or her right to services, survival and development. Measures have been put in place aimed at lowering infant and child mortality, improving health care and nutrition and promoting breastfeeding and preventive health care. These measures are far-reaching and many have enlisted the help of international organizations. Thailand has already supplied many of these basic services: the Government has health policies aimed at raising the living standards of the people to be carried out by the Ministry of Public Health. Key policies that help children's health include those on family planning, primary health care, mother and child immunization, hygiene and environmental sanitation, communicable disease control (including AIDS), provision of clean drinking water, health insurance and issuance of health cards. Also covered is the development of medical and health personnel. Nutrition, especially among children, is stressed in the School Lunch Fund Act, 1992, aimed at providing children in primary schools with at least one nutritionally balanced meal a day. The fund receives at least 500 million baht a year from the Government's budget until the Fund reaches 6 billion baht. Expenditures are expected to be at least 50 million baht annually. To translate these legal measures into practice, the Ministry of Education is responsible for the implementation of nutrition programmes in primary schools nationwide, an affirmation of the Government's resolve to address basic health problems seriously.

23. On the subjects of preventive health care and treatment of disabled children (art. 23 (4)), the Rehabilitation of the Disabled Act of 1991 has provisions calling for the disabled to have the right to lead a normal life, to make a living and to be active members of society. The Act gives protection, welfare, development and rehabilitation services to the disabled by means of medical practices, education, social measures and vocational training. The Act also addresses social and economic problems of the disabled while calling on society to help care for and rehabilitate these people, considering them an important national asset. The Act calls for the setting up of the Office of the National Committee on Rehabilitation of Disabled Persons within the Department of Public Welfare. Its function is to plan, promote, supervise, coordinate and regulate all measures to rehabilitate the disabled. The Act gives the disabled the right to aid, development and both mental and physical rehabilitation by means of accepted medical practices, education, provision of employment, participation in social activities and legal help from the Government. In addition, the Act also calls for the establishment of a fund for the rehabilitation of the disabled and assistance for the disabled in the form of better designs, with regard to disabilities,

of public buildings, vehicles and other public services. In terms of employment, the Act requires that employers or entrepreneurs employ a proportionate number of disabled workers working in suitable positions. The Act provides an incentive to employers in the form of tax reductions in the provision of services and wages for the disabled. In theory, the Act would help the disabled in their everyday lives while giving them a wider choice in employment. In reality, however, the Act has not yet been implemented for lack of relevant ministerial regulations. The Act ought to be further studied and developed for effective implementation in the future.

24. Another new law concerning the health of children is the Control of Tobacco Products Act of 1992. The law was promulgated with the intention of controlling tobacco and its products, which today are generally accepted in the medical profession as being detrimental to the health of the consumer. Smoking is also harmful to unborn infants of smoking mothers as well as to those breathing the same air as the smoker, also known as "passive smokers". Before the adoption of the law, advertisements and other promotion campaigns of tobacco products were rampant, especially those aimed at the country's youth, a group which is considered an important national asset. To combat this, the new law prohibits the distribution, sale or exchange of tobacco products among youths who are known to be younger than 18 years old (sect. 4). It also prohibits free distribution of tobacco products or their exchange for goods or services. It further prohibits any advertisement of tobacco products in any form of the mass media (arts. 6-8). The Protection of Non-smokers' Health Act of 1993 was adopted with the intention of protecting non-smokers from cigarette fumes exhaled by smokers in public places. Of special concern are the children as it is generally accepted that cigarette smoke is damaging to both the smoker and the passive smoker. Whilst on the subject of control, there is also the Emergency Decree against the Use of Volatile Substances of 1990, intended to help control the abuse of various volatile substances (it is quite common for addicts to sniff or otherwise consume industrial glues or thinners). All of these volatile substances now have warnings on their packaging and it is illegal to sell them to persons under 17 years of age unless it is part of an educational subject. The law also prohibits the sale or supply of volatile substances to addicts who use them to assuage their physical or mental cravings and who may be fined or imprisoned under the Act. Finally, the Psychotropic Substances Act of 1992 declares illegal any attempt to trick or coerce others to consume any psychotropic substances. The Act also outlines suitable penalties for offenders.

25. On the issue of intelligence and capabilities, the Convention's articles 28, 29 and 23 (3) spell out the right of children to have equal educational opportunities. Primary level education is compulsory and any higher level is to be developed and made more accessible to all. The Convention calls for regular class attendance, a reduction in the number of drop-outs as well as supplying students with information on potential employment and careers. The Convention ensures that school discipline is administered in a manner consistent with the dignity of the child and attempts to eliminate illiteracy throughout the world. It also stipulates that the child's education should stress all aspects of the child's balanced development and educational organization and should cover disabled children as well. Apart from setting up day-care centres for infants and accessible libraries for older children, the present Government has social policies that

call for wider preprimary or kindergarten education, preparing children for their primary education. The current policy also extends compulsory education from six to nine years and emphasizes the quality of instruction and vocational training, both in school and out of school. In practice, Thailand has never ignored child rights as can be seen from the continued development of the education system, especially the expansion of pre-school and kindergarten education and the extension of compulsory education from six to nine years under the responsibility of the Office of the National Primary Education Commission (ONPEC). The first version of the Primary Education Act issued in 1921 has had no fewer than five revisions to date. The latest, amended in 1980, specifically requires parents to send a child entering his or her eighth year to a primary school until he or she is 15, unless he or she is already a primary school graduate or its equivalent. Exception is made for certain categories of children, such as the physically or mentally handicapped or those having dangerously contagious diseases.

26. The main movement that shows Thailand's direct adherence to the Convention in terms of education is evident in the enforcement of the Regulation on Evidence of a Child's Birth for School Admission which was issued by the Ministry of Education on 10 February 1992. The regulation is intended to give children without Thai nationality and children who do not possess civil registration documents access to education. The regulation allows schools to admit children without proper documentation, such as a birth certificate or a domicile registration document, by having their parents, legal guardians or an accepted humanitarian aid agency fill in the necessary documents on their behalf. Even if there is nobody or no agency available, an official may fill in the documents using information from an interview with the child. The documents are regarded as evidence that may be submitted to the educational authorities for admission (art. 5). The Ministry of Education has circulated the new regulation to all parties concerned, from permanent secretaries to provincial governors to regional education officers nationwide, so that they may in turn inform every school of the new regulation. The new regulation is surely a tangible advance in providing access to education for all children.

27. Preparations for the world of work and employment are contained in article 28 of the Convention, which calls for the provision of complete information on education and career opportunities as well as the provision of general and vocational education for all. Article 32 is about protecting children from economic exploitation and work that will interfere with the child's education or is otherwise harmful to the child's health and mental, physical, spiritual, moral or social development. Thai legislation includes not only a provision on vocational training responsibilities in the Municipality Act of 1953, but also numerous Interior Ministry regulations on the protection of child labour that have been constantly amended since 1972. The regulations directly pertaining to child labour were last amended in an Interior Ministry Announcement of 1990. This amendment increases the legal minimum age for child labour from 12 to 13 years while paying more attention to working conditions, employment, working hours and wages. In the future, Thailand hopes to again increase the minimum age to 15 years to bring the minimum age in line with the school-leaving age when the number of years of compulsory education is increased from six to nine years. Most recently there was established a new Ministry of Labour and Social Welfare which is

directly responsible for these affairs. It is expected that problems concerning child labour in Thailand will be taken care of and thereby mitigated in the future.

28. On social, cultural and moral issues the Convention has a great number of relevant provisions. Ideas about the family are featured in many articles, aimed at ensuring the well-being of the child. These include the right for the child to be brought up in a family with assistance from the State (arts. 9-11, 18); the State's responsibility to protect the child from physical abuse and torture (art. 19); prevention of the use of children in drug production and trafficking (art. 33); prevention of sexual exploitation (art. 34), abduction (art. 35), any other forms of exploitation (art. 36) and protection from torture or other cruel, inhuman or degrading punishment (art. 37). There are also provisions on social security (art. 26) and the promotion of the physical and psychological recovery of children who have experienced misfortune in some way (art. 39). There are also a number of articles which prescribe special care for certain groups of children, including disabled children, children who are deprived of their family environment (art. 20), adopted children (art. 21) and children of minority groups (art. 30).

29. On the subject of social security and social welfare for children, there have been some new laws put in place. The first, the Adoption Act of 1990, helps simplify and streamline the adoption process while at the same time making it more watertight. The Act exempts from a minimum probation period of six months a spouse who wishes to adopt the child or adopted child of his or her spouse; before the new law, only adoption by a close relative or blood relation was exempt. Besides, there have been revisions to the Penal Code increasing the penalty for child abduction, a provision which is in line with articles 9 and 35 of the Convention.

30. On social and cultural issues, the Convention calls for children to have the right to freedom of expression, freedom to seek, receive and impart information regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of choice while respecting the rights of others and taking into account national security (art. 13). The child is entitled to rest, to leisure and to participation in cultural, artistic and recreational activities (art. 31). In addition, there are articles on the direction of the child's education towards the development of the child's social self, such as the child's personality and special abilities, respect for freedoms, respect for the child's parents, cultural identity, language and values of the country of origin and other civilizations. The child's education should establish the spirit of understanding, peace, equality, friendship and respect for the natural environment (art. 29). As for the standard of living, article 27 calls for an adequate environment for his or her development in all aspects. This means the State is obliged to protect children from harmful information and material and to encourage the mass media to perform their function properly by disseminating information and material of social and cultural benefit to the child (art. 17). Thailand has striven to translate all of these provisions into action, as can be seen by the five-year Child and Youth Development Plan under the Seventh National Economic and Social Development Plan (1992-1996), the adoption of the World Declaration on the Survival, Protection and

Development of Children and the publication of a concept paper on "Basic Minimum Needs and Services for Children", more of which will be given later.

31. The issue of socialization and ethics also encompasses freedom of thought, conscience, religion and beliefs (art. 14). It also means the State must respect the rights of the parents to teach the child to exercise his or her rights in a manner consistent with the child's stages of development. The current 1991 Thai Constitution defines these as fundamental rights underlying the development of children and youth in the field of social and ethical development.

32. Politics and government are also referred to in the Convention. The child has rights and freedoms in these areas such as the right to freedom of expression (art. 12 (1)), the right to be heard in any judicial and administrative proceedings (art. 12 (2)), the right to express, search for and receive information and news (art. 13), the right to freedom of association and of peaceful assembly (art. 15), all of which are already written into the Thai Constitution in their entirety.

33. Article 37 of the Convention concerns the protection of children from harsh punishment and deprivation of their liberty and article 40 concerns treatment of children accused of having infringed the penal law. They call for action consistent with the promotion of the child's sense of dignity and worth and which takes into account the child's age, desire for reintegration and constructive role in society. There are existing laws in Thailand that support this point, both in the Penal Code and in specific legislation. The Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991 was adopted with the intention of improving the Juvenile Courts Act which had been in effect since 1951 and no fewer than 13 other laws pertaining to trial procedures for juveniles. The laws have been amended in order to provide better protection and assistance for children and youth, who are important human resources as good, constructive members of society in the future. Court cases on family disputes when related to juveniles and especially sensitive subjects are conducted under special trial procedures, different from those used in regular cases. The Juvenile and Family Courts have since replaced the former Juvenile Courts in order to help improve the development of the child and to promote the child's ethical values as well as the child's responsibility towards society. Special attention is to be paid to broken families and to the children of troubled families. The Act outlines major changes, such as the authority of inquiry officials in criminal cases in which a juvenile is accused of having committed an illegal act; the power of the court to detain or to order the temporary release on probation of a child; the urgent need for inquiry officials to speedily forward the file of their inquiry to the prosecutor who may institute a prosecution; and the power of the court to appoint a third person as an assistant to the child's probation officer. These revisions are all in the best interest of the child and are in response to articles 3, 4, 12, 37, 39 and 40 of the Convention.

34. A major concern is the lack of integrated measures and data to implement the Convention. There is a need to build and strengthen an effective system of data-gathering on a long-term basis and for a systematic monitoring mechanism with capacity-building and adequate resources to reflect the Convention fully at the national level.

C. Implementing the provisions of the Convention

1. General

35. Despite the above-mentioned major concerns, Thailand has initiated a number of plans and measures, legal, executive and others, with allocation of appropriate resources, ranging from policy level down to operational level. These are described in the following paragraphs.

36. Article 69 (amended in 1995) of the 1991 Thai Constitution stipulate that the State must support and promote the development of its people, especially the children and youth so that they become competent individuals physically, mentally, intellectually, morally and ethically.

37. The National Youth Promotion and Coordination Act of 1978 defines guidelines, frameworks and organizations that are to be responsible for the development of the country's children and youth at the policy level. The National Youth Bureau has the duty to plan, coordinate, supervise and follow up on the implementation of projects and activities aimed at developing the country's youth. The word "youth" is defined here as those under 25 years of age, which encompasses the word "child" which means those under 18 years of age as defined by the Convention.

38. Each Government makes its policy statement to Parliament whereby it spells out the approaches and directions of its administration of the country. Virtually every Government has included policies for the development of children and youth; for instance, the Government announced in 1980 and 1983 a plan to mobilize national resources for the development of children and youth. The administration announced on 21 October 1992 its policy on children and women in article 8.6. The statement stressed the protection of their rights, and the welfare assistance to be given to women and children. It called for the establishment of "child development centres" and improvement in public libraries so that children and youth could be adequately served. The Government also promoted active participation of the family, governmental and non-governmental organizations, religious groups and the media in preventing and solving problems of children, especially the problems of homeless street children, child labour, child prostitution, drug addiction and misguided beliefs in harmful vices. The Government's policy further called for the instilling in children of fundamental values of rationality, respect for others' opinions, sportsmanship, discipline, thrift, respect for the constitutional monarchy, self-reliance, participation in socially beneficial activities, the value of practising religious principles, a love for the country's identity, arts and culture and the customs and traditions of their birthplace, and an appreciation of natural resources and the environment. The Government also supported children, youth and members of the public in their health care by promoting exercise, sports and competition as a basis for the development of their quality of life and competition excellence.

39. The National Youth Policy of 1979 stresses the need for comprehensive youth development by officially setting a set of objectives for the development of children and youth that are consistent with each other. There are a total of nine different points which are aimed at developing desirable

characteristics in children and youth, including a love for their king, country, religion and constitutional monarchy. They should have good health, a desire for knowledge, vocational/professional skills, an understanding of the economic system, a good and strong personality, original and creative thinking, rational thinking, discipline and orderliness, unity, diligence, frugality, perseverance, tolerance, unselfishness, responsibility towards society, help in developing society, respect for laws, respect for morals and moral teachings and knowledge of how to protect themselves from vices, to name but a few. The policy also calls for the protection and care of special youth groups such as the disabled, orphans and child labourers, and encourages friendship and understanding among youths throughout the world for the sake of world peace.

40. A description of the ideal Thai child and youth was incorporated into the policy and long-term plan for youth development approved by the Cabinet in 1982. Thai children (in this instance, those aged 0 to 14) should receive care and develop in six key areas. They are: being fed with suitable, nutritious foods; being kept from illness; having clean, sanitary living conditions; receiving an education; being educated in terms of knowledge, morals and ethics; having opportunities to express themselves and being brought up with love and affection as the foundation of all development.

41. The National Child and Youth Development Plan under the National Economic and Social Development Plan was drafted by the Subcommittee on Child and Youth Development under the National Youth Promotion and Coordination Committee. It is a macro view of the development of all Thai children and youth (0 to 25 years of age), which is in line with the direction of national development. One aspect first put forward in the Fifth National Economic and Social Development Plan beginning in 1982 which is still present in the current Seventh Plan (1992-1996) is a compilation of research and findings that identifies five key problems and one target group. The key problems are health and nutrition, intelligence and capabilities, career preparation and employment, social and ethical problems and politics and administration. The plan specifically calls for action to help special child and youth groups, or children and youth in especially difficult circumstances. The Seventh Plan which is currently in effect has singled out seven areas for development of children and youth as follows: (a) expanding urgently the preparation of pre-school children (0-5); (b) stepping up the training of out-of-school youths (14-25); (c) extending compulsory basic education to nine years for in-school children (6-14); (d) stressing the development of morals, ethics, values and the democratic way of life among children and youth; (e) stepping up the prevention, surveillance and treatment of AIDS among children and youth, especially those who have full-blown AIDS, have AIDS-related symptoms or are HIV positive; (f) stepping up the prevention, protection, correction, rehabilitation and development of children and youth in especially difficult circumstances; and (g) promoting gifted or talented children. The plan has a total of 42 objectives, 40 policies and 148 measures.

42. The child's basic minimum needs and services are the deciding factor in an all-round development of the child in order for him or her to reach his or her full potential as a human being, capable of leading a life useful to himself or herself and society. Under this principle, the child must be brought up in response to the 10 basic needs: (a) parental upbringing;

(b) proper nutrition; (c) health promotion and prevention of diseases; (d) sanitary housing; (e) basic education at the minimum; (f) development of aesthetics, appreciation and understanding of their cultural heritage, nature and the environment; (g) vocational training; (h) opportunities for self-expression; (i) access to basic amenities in society; (j) access to information on basic privileges and enjoyment of their protection by society and the State. The public and private sectors are committed to cooperate in five areas: (a) parents and the family must make it their responsibility to respond to children's needs; (b) all adults must join hands to develop children; (c) the State, social institutions, the private sector and the community must join forces to develop and protect children; (d) the State, social institutions, the private sector and the community, especially the business sector and the mass media, must promote academic activities, disseminate knowledge, and reform policies, measures and laws about children under the Constitution; (e) the State must file a report on the status and results of the implementation and protection of child rights every two years. In other words, certain standards have been determined for use as indicators of the child's basic needs and services in each aspect of development, including health, intellect, emotion, socialization, education, culture, tradition, arts, ethics, career preparation, rights, duties, politics and administration.

43. The World Declaration on the Survival, Protection and Development of Children was adopted by the Cabinet on 13 August 1991, following the endorsement of a national symposium on 31 August 1990. The Declaration serves as guidelines for the concept paper "Basic Minimum Needs and Services for Children" which in turn provides the underlying principles for the drafting of the National Child and Youth Development Plans.

44. These eight guidelines provide a better perspective on the scope of Thailand's children and youth development activities, from the development objectives which aim at making the child a "full" adult physically, mentally and morally to the outline of the steps to be taken by the National Youth Promotion and Coordination Committee, a national-level organization, in its role as the responsible agency for the development of Thai youth in accordance with the Government's policies, goals and directions tuned to each stage of the child's development, situation and needs. There is also the definition of the "ideal Thai youth": a person who is complete and whole, physically, mentally and emotionally. The ideal youth has a good personality, intelligence and all-round capabilities. Finally, there are the measures on livelihood and services that the State and society are committed to carry out both domestically and internationally.

Problems

45. Thailand has made reservations on certain articles of the Convention relating to national security. Because of this, some provisions of the Convention have not been implemented such as those pertaining to nationality and the status of refugee children.

46. The revision of many obsolete laws to bring them into line with today's changing society is a complex process. Any amendment to a law or the drafting

of a new law requires a long period of time, at times long enough to allow the situation to deteriorate even further. Most laws are, however, about punishment, not prevention.

47. Enforcement of existing laws are often subjected to discrimination by the officials in charge. This means that all too often the laws are not implemented according to their spirit. Implementation of the Convention leaves much to be desired due to lax law enforcement on several fronts, such as in the area of child exploitation.

48. Thailand's Government and administrative system is a highly centralized one. Local officials do not have the decision-making power needed to solve problems and are obliged to wait for approval and orders from Bangkok. Problem-solving is often too slow and does not respond to local needs. The problem of centralization is also evident in the process of budget allocation.

49. The growing importance of the industrial and service sectors, both of which are experiencing considerably faster growth than the country's traditional agricultural sector, has caused rural people to migrate to the cities and industrial zones. Though it may represent a chance for employment, the migration brings with it numerous problems: housing shortages in cities resulting in more crowded slums which in turn result in problems of personal safety, pollution and inadequate public utilities and a shortage of basic amenities.

50. There is a large group of children trafficked into Thailand from neighbouring countries who are classified by Thai law as illegal immigrants. Regrettably, they do not enjoy rights other children take for granted. This includes access to education, career development and adequate access to legal protection. These children are all too often exploited as prostitutes and child labourers. The main reason for illegal immigration is poverty and instability in Thailand's neighbouring countries although a certain number of peoples are duped by criminal gangs into entering the country.

51. Owing to the fact that about 23 per cent of the population still lives in relative poverty, there is a correspondingly large number of children also living in poverty, or with poor families. Poverty is a cause of many problems for children such as crime, drug addiction, vagrancy, child prostitution and child begging. To solve these problems, the country's income must be more evenly and justly distributed.

52. Crime can be committed on many levels - local, national and international. All of these often exploit children especially in child prostitution, drug trafficking, child beggar "gangs" and crime rings, to name but a few.

Solutions

53. More effective law enforcement and law reform is needed to improve protection of child rights. The message conveyed should be that all children on Thai territory should benefit from protection of the law in keeping with the Convention on the Rights of the Child.

54. More training of officials, particularly at the local level, needs to be promoted so that they become acquainted with international standards on child rights and so that they take stronger action against those who exploit children.

55. Withdrawal of reservations to the Convention on the Rights of the Child should be initiated so as to respect the totality of child rights without discrimination.

2. Administration

56. The main agency currently executing the implementation of the Convention on the Rights of the Child is the National Youth Bureau. The NYB has processed the signing of the instrument of accession, and has written the country report on the progress of the implementation of the Convention on the Rights of the Child. The NYB has studied the Convention carefully, comparing it with relevant local laws on children, and has put forward proposals to amend those laws so that they come into line with the Convention.

57. Due to the budget allocation process of the Thai bureaucratic system, it is difficult to designate a separate category for activities aimed exclusively at children; this results in only a vague estimate of budget allocations. This means that projects will have to be conducted in more general terms directed towards a wide audience, for instance, as a section of the larger Seventh National Economic and Social Development Plan (1992-1996) which receives on the average about 15 per cent of the national annual budget for child activities.

58. This budget can be broken down as follows:

(a) Physical and mental health received an operational budget in 1992-1996 of 30,952,566 million baht;

(b) Nutrition received an operational budget in 1992-1996 of 2,042,615 million baht;

(c) Intellectual and basic capabilities received an operational budget in 1992-1996 of 342,058,254 million baht;

(d) Career development received an operational budget in 1992-1996 of 34,868,166 million baht;

(e) Social, cultural, ethical and political areas received an operational budget in 1992-1996 of 3,070,118 million baht;

(f) Special target groups, which means activities for abused children, abandoned children, juvenile delinquents and disabled children, received an operational budget in 1992-1996 of 5,188,357 million baht.

59. Measures for setting up/improving a mechanism for collecting data on the status of children have been adopted with the intention of creating a comprehensive information database for projects concerned with child rights.

The efforts are coordinated by the National Youth Bureau. The NYB will set up an internal unit as a centre for information on children and youth using a computerized network and having the following functions:

(a) Setting up and developing a database on children, and networking with other existing databases;

(b) Conducting a survey of the data, monitoring and reporting on the status of children on a regular and continuing basis, both in the capital and in provincial areas. Data from both will be linked via a computer network;

(c) Revising the indices used so that matters concerning children will be allocated more importance at the provincial level;

(d) Conducting a policy-oriented study on children. This will be used to set better and clearer policies and measures that will serve as more effective guidelines for action;

(e) Holding national seminars on the subject of children. This is to ascertain the real situation and review the direction of development and of joint projects;

(f) Compiling data and carrying out research for systematic macro and micro planning;

(g) Monitoring and evaluating the implementation of the Convention.

60. National-level plans aimed at implementing the Convention for the development of children and youth are based on the following relevant policies:

(a) Promoting, supporting and cooperating with NGOs, business and industrial sectors, international and foreign organizations. This is aimed both at prevention and protection, at rehabilitation and development of children and their quality of life;

(b) Conducting an awareness campaign for politicians in power, with the view to making them appreciate the importance of the Convention as well as urging them to give the Convention their support both at policy and implementation levels;

(c) Issuing ministerial regulations to determine criteria and procedures in conformity with the Convention.

3. New developments

61. The revision and modification of legislation to conform to the Convention which the Thai Government is currently implementing involve the activities described in the following paragraphs.

62. Revision of the Revolutionary Party's Announcement No. 294 is currently under way in an effort to conform to articles 3, 23, 35 and 37 of the Convention which refer to child assistance and welfare protection. The

Ministry of Interior submitted a draft of the Rendering Aid and Protection to Children Act to the Cabinet in February 1992 in order to amend the Revolutionary Party's Announcement No. 294 so as to provide more protection and assistance and suitable development for all children and youth. The existing law already has provisions to protect the child from neglect, from "being given" to others, from being sold and purchased, from being used in begging rings and from being lured into the ways of vice such as drugs and gambling. The draft adds more welfare protection by preventing children from being exploited in illegal acts, from being forced into begging or prostitution and from being tortured physically or psychologically. The draft also increases penalties for violators. Organizations concerned are currently going over the details of the proposed draft.

63. In the meantime, NGOs have collectively proposed a draft of a Child Welfare and Protection Act which is the result of extensive research on the current situation of child welfare and protection and the effectiveness of Revolutionary Party's Announcements Nos. 132 and 294, and a series of regional workshops, national seminars and public hearings to consider the conclusions and recommendations of the research. The draft proposes an entirely new concept which is child-oriented, emphasizing child rights protection, rehabilitation and development through a multidisciplinary and intersectoral approach. It also proposes the establishment of a child welfare and protection fund at national, provincial and local levels to assist children and their families. The draft was approved by the Cabinet in 1993, and is now in the process of being reviewed by the authorities concerned.

64. Revision of the Suppression of Prostitution Act of 1960 that provides solutions to the problem of sexual exploitation and prostitution of children (art. 34). The Cabinet approved a proposal on 14 September 1993 for the Juridical Council to prepare the draft of a new Suppression of Prostitution Act, which is a matter under the responsibility of the Ministry of Interior. The problem is a multifaceted one which has now grown into a national problem. The proposed new Act will include heavier penalties for those involved in prostitution, especially those who have harmed children and youth. It will also increase punishments for pimps - those advertising and organizing illicit meetings with prostitutes - while decreasing the punishment of the prostitutes themselves. A committee on protection and vocational development will be set up to assist former prostitutes. The new act might also include harsh punishment for parents or guardians who knowingly sell their children into the flesh trade.

65. The draft Promotion of Training Act was submitted to the Cabinet by the Department of Skill Development in early 1993. The draft aims at promoting skill training among youth and the unemployed so that they may eventually enter the skilled labour market. It also hopes to improve the productivity of those already in the workforce. The draft also calls for employers and educational institutions to cooperate in providing children and youth with a chance to have proper on-the-job training which will help increase their skills and allow them to grow into skilled labourers in the future.

66. Recommendations for the protection of child labour in the agricultural sector were proposed by NGOs following a process of research, regional workshops, a national seminar and public hearings in 1993. The proposal is

aimed at the drafting of a Protection of Child Labour in the Agricultural Sector Act which will cover children involved in cultivation, fisheries, forestry, livestock-raising and agro-industry. The recommendations include protection of child labourers from employers' unfair treatment in terms of working hours, holidays, leave and wages; provision of work safety, decent accommodation, basic health care and clean drinking water; and entitlement to fair compensation in case of injuries and termination of employment. The recommendations are being considered by the authorities concerned.

67. The draft National Children's Ombudsman Act proposes the setting up of an organization for protection and care of children and youth. As Thailand is a State party to the Convention on the Rights of the Child, it is under an obligation to revise laws regarding child rights to ensure that they comply with the Convention. However, the rapidly changing social and economic situation has caused many children to face difficult circumstances. Many have been neglected or abused and have found refuge only in the help provided by certain individuals or efficient aid agencies. These organizations ensure that these children are given assistance to develop and be rehabilitated while their problems are redressed. Because of this, there is a need for inspectors to look after children and defend their rights. This organization would also help plan, coordinate, monitor and follow up on activities relating to the development of children and youth.

Problems

68. The definition of the word "child" has a number of different interpretations. This has posed a problem in that data collection on children and projects directed towards children has overlapping standards and gaps in the range of services provided. Following the United Nation definition of the word in the Convention, a "child" is a person under 18 years of age. This definition must be universally accepted by every State party and all concerned. Other problems have arisen concerning data collection and provision of services for those aged between 8 and 18. The classification of population by age group in the official census as well as figures on development of children in all aspects have been affected. What exactly constitutes a "child" in these databases has become ambiguous because of the number of widely differing data-collection systems and questions relating to the reliability and problems of the data. Some categories of data still have not been properly compiled, particularly data concerning special target groups of children such as children in especially difficult circumstances. Even the size of the child population is still unknown because of the new definition of the word "child". Despite these limitations, the Government has issued development guidelines for children and youth that define the basic status of Thai children at many levels, ranging from the highest law, the Constitution, to National Youth Policy, each Government's policy and the Child and Youth Development Plan in each five-year National Economic and Social Development Plan, to the definition of the "Ideal Thai Child", to the World Declaration. Nevertheless, in reality, children, both normal children and children of special groups, still face many problems.

69. The rapid development of the economy has affected society and caused a new problem, that of the proliferation of the "urban poor" following an influx of migrants to urban centres. The quality of life of the children in these

families can be very low, to say the least. They have to face even harsher problems than those normally confronting other children. Children as a whole have to face problems of health and disease, especially respiratory, digestive and oral diseases, as well as toxicity and fatal accidents (due to industrialization) and AIDS. They also have to face problems of substandard physical and mental health due to a deficiency of certain nutrients and lack of suitable exercise. In terms of intellectual and basic skills, children have to cope with a number of educational problems. Less than half of pre-school children receive proper preparation. Not all children of primary-school age are enrolled and there are many drop-outs and repeaters, resulting in unsatisfactory scholastic achievements. Development of language skills and the intellect is also slower than normal among these children.

70. Another problem concerning preparation for the world of work is that the knowledge and skills of children who have graduated from the compulsory primary level and the secondary level are inadequate and often mismatched with actual labour market demand, leading to unemployment. Even those children who are employed often have problems with their working conditions. Problems of society, culture, politics and administration are also major obstacles, manifesting themselves in the form of personality problems such as lack of patience and tolerance, commitment and discipline. Many children end up being victims of materialism and consumerism and believe in a wrong set of values. Furthermore, children in especially difficult circumstances have to face more serious problems than normal children. Those who have been violated, physically or mentally exploited, tortured, sold into the sex industry or turned into cheap labourers, neglected or homeless, do not receive the social services and benefits to which they are entitled. This is all the more so for children from very poor families, children of construction workers and of migrant workers as well as children in remote rural areas and children of minority groups, among others. Children who are victims of society and their environment have behavioural problems, spending their time unconstructively in entertainment places. Many become drug addicts or have sex-related problems, such as teenage pregnancy; they often form gangs, wage gang welfare and ultimately end up in trouble with the law. Disabled children rarely get the rehabilitation they need. The number of children with AIDS or who tested HIV positive is rapidly increasing and is bound to become a major problem for society in the future.

Solutions

71. The adoption of international agreements such as the World Declaration on the Survival, Protection and Development of Children and the Convention on the Rights of the Child has given Thailand the obligation to abide by their provisions in order to improve the standard of living of children. As part of this obligation, progress on various fronts must be reported to the United Nations at certain intervals. Thailand has been working in response to the World Declaration and the Convention on the Rights of the Child in a number of concrete ways, and has revised many of the relevant laws and regulations. The standard of living of children has been targeted by programmes aimed at expanding immunization and improving nutrition. Compulsory education has also been improved by, for instance, relaxing identification requirements for children's admission. There have been many new laws and amendments to existing laws regarding children's welfare and

safety, both in guaranteeing their basic rights and developing their quality of life. To be more specific, the amended legislation covers: nationality, identification requirements for school admission, labour protection, rehabilitation of the disabled, promotion of career opportunities, establishment of a school lunch fund, adoption, child assistance and safety protection, prostitute suppression, and establishment of juvenile and family courts. Other measures are joint efforts of the public and private sectors which have yielded tangible, positive results, for instance, mapping out plans for the development of children and youth, adopting the World Declaration on the Survival, Protection and Development of Children in Thailand and launching a concept paper on "Basic Minimum Needs and Services for Children" as criteria for the improvement of children's quality of life. It could be said that these activities have had positive results in the last few years. If they were to be continued at this pace, children's conditions will definitely ameliorate in the near future.

72. To create an understanding of the importance of children and the protection and development thereof is a task that has to be conducted on a wide scale so that the message reaches all groups of people in all walks of life, including the children themselves. This undertaking requires the cooperation of all parties concerned, especially the media which have the resources to quickly spread news and information far and wide. The issue of child rights must therefore be promoted among the media so that they view it as their duty to spread the word. Furthermore, not only do the media have the power to disseminate news on a regular and continuous basis, but they can also help gather feedback and act as a watchdog preventing any infringement of child rights or exploitation of children.

73. The Convention on the Rights of the Child is a new subject which still needs active public relations to get the message through to all concerned at all levels. This means the general public, children themselves, personnel involved with children at planning, executive and policy levels, organizations, institutions, high-level administrators and national leaders and politicians. There is still a great deal of work to be done by responsible agencies which in turn have to rely on cooperation from certain members of the public and private sectors. Any attempt to make people understand the Convention must be complemented by a basic understanding of the existing domestic legislation. Committed cooperation from concerned organizations is an important factor in the undertaking but academics and legal experts must also play a major role in making this difficult situation easily understood by all, especially the children themselves.

74. The division of roles between the public and private sectors in implementing the Convention may actually bring about tangible change. It will improve the children's quality of life and the ultimate potential of children in all aspects. The ones who will benefit most are the children themselves. These principles and concepts form a basis that must be understood by all parties. Responsibilities must be carefully divided and delegated so that all actions taken are truly aimed at the target or children in a coordinated, harmonious and timely way. Due to the fact that the Convention calls for preliminary reports two years after its entry into force and thereafter every five years, a system for the drafting of these reports had to be put into place. The responsibility was delegated among every relevant governmental

unit and to some NGOs as was considered appropriate. A feeling of trust and respect was fostered for cooperation. Close consultations among relevant organizations were called so that each organization could lend a hand to the implementation of the Convention.

75. The potential in each child is immense and impossible to define. Each child may have been born differently, but the adults in each family, especially the father and mother, must consider it their duty to nurture the child so that he may grow, thrive and live a quality life. This means not only must they protect the child from being injured beyond healing, but they must also care for the child and make him grow and develop to his full potential. Bringing a child to his full potential not only adds value to the country's human resources, the most valuable for development, but also contributes to the enhancement of humanity as a whole.

II. DEFINITION OF A "CHILD"

A. The meaning of the word "child"

General situation

76. The United Nations Convention on the Rights of the Child of 1990 defines a "child" as "every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier". However, Thailand has a number of rather different definitions of a child as can be seen from the following legislation.

(a) Revolutionary Party Announcement No. 294 of 1972 on inappropriate conduct of children defines a child as a person below 18 years of age who has not attained majority through marriage;

(b) The National Youth Promotion and Coordination Act of 1978, which is the country's key legislation in the promotion and development of youth, defines "youth" as a person who is not over 25 years old. The definition of "youth", therefore, covers that of a "child";

(c) The Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991 defines the word "child" as a person over 7 years old but below 14. It also defines the word "youth" as a person who is over 14 years of age, but below the age of 18 years.

77. In addition to these definitions in various laws as stated above, the word "child" has been variously defined as follows:

(a) The official Thai dictionary as published by the Royal Institute in 1982 defines "child" as a person below the age of 14 years;

(b) The Child and Youth Development Plan under the Seventh National Economic and Social Development Plan (1992-1996) divides children into two groups: those aged between 0 and 4 and those between 5 and 14 years of age, primarily for the convenience in addressing each group's particular needs and requirements. Those between 15 and 25 years of age are termed "youth".

78. It can be clearly seen that each of the various Thai laws has different interpretations of the word. This is due to two main factors:

(a) The period of their introduction and enforcement is a significant factor. Some laws have been in effect for many years. The concept and objective of the word "child" in those laws reflected the social situation at the time the laws came into effect. Children have also developed over time which has led to changed definitions in the more recent legislation;

(b) The spirit of the law also yields differences depending on its type. Some laws are aimed at protecting and promoting children and these give a rather high upper age limit to the definition. Others are aimed at punishment and these favour the lower age limits.

Problems

79. Because the word "child" in various laws of Thailand has differing age criteria, treatment of children, even of the same age, sometimes differs depending on the law that is being applied.

80. The competence of children to fully exercise their rights also varies according to certain laws. For instance, the Civil and Commercial Code has deprived children of their right to commit certain acts without the approval of their parents or legal guardians, unless it is a personal matter of the children such as being named in a will or being legitimized.

Solutions

81. To solve this problem, the Government should give utmost importance to the Convention and seriously strive towards its goal in government policy.

B. Age and criminal responsibility

General situation

82. The lowest age at which a person can be convicted of a criminal charge in Thailand under the country's Penal Code is given in chapter 4 on Criminal Responsibility, section 73: "A child below 7 years of age, who commits a criminal offence, is not liable to punishment". This means that criminal responsibility begins when the child is older than 7 years old. Although this child cannot be punished until he is over 14 years of age, the court is empowered to proceed as follows:

(a) The court may admonish the child before releasing him or her. If appropriate, the court may also admonish the child's parents, legal guardian or those with whom he or she is living;

(b) If the court considers that the child's parents can take care of him or her, the court may order the child to be consigned to the care of the parents, on condition that the parents ensure that the child does not commit another offence for a certain court-decreed period of time, which must not be more than three years. The court may also impose a monetary fine of not more than 1,000 baht which the child's parents must pay each time the child commits a repeat offence. If the child is not living with his parents or legal guardian and the court considers that the child's parents or legal guardian should not be summoned as in the preceding case, the court will summon the persons with whom the child is living for questioning whether they will accept similar conditions to those in the preceding case. If they accept, the court will issue an order releasing the child into their care under similar conditions;

(c) In the case that the court consigns the child to the custody of the parents, legal guardian or those with whom the child is staying, the court will impose safeguards to control the child's behaviour. For instance, the court may appoint a probation officer or another official to oversee the child's behaviour;

(d) If the child has no parents or legal guardians, or the court judges them incompetent, or the persons with whom the child lives do not accept the stipulated conditions, the court may order the child released into the care of an individual or organization deemed appropriate by the court. They will have the obligation to care for the child for a court-decided period, subject to the agreement of that person or organization. In this instance, the individual or organization will have powers akin to legal guardians only for care and instruction purposes. This also includes obligations to provide accommodation and appropriate employment for the child; or

(e) The child may be sent to a school or a training school or any other institution which has been set up for the training and rearing of children for a court-decided period, which must not last beyond the date when the child reaches 18 years of age.

83. Regarding court orders in (b), (c), (d) and (e), if, during the stipulated period, the court learns, whether of its own accord, or from reports submitted by interested parties, prosecutors or the person or organization to whom the court has given custody of the child or an official, that the child's behaviour has changed, the court has the authority under the Penal Code to amend its order or issue another order.

84. Furthermore, when a child who is older than 14 but younger than 17 commits a criminal offence the court may consider the child's sense of responsibility and other attributes before deciding whether he or she deserves punishment. If the court decides against punishment, it may proceed according to the five measures described above. If the court decides to punish the child, it should reduce the punishment by one half.

85. For an offender who is over the age of 17 years but not over 24 years, the court may reduce the punishment by one third or one half.

86. From these provisions of the Thai Penal Code concerning a child's criminal liability, it can be seen that Thai legislation gives much importance to the age of the offender. The court considers details of each case in favour of children and youth while passing judgement according to each age group.

Problems

87. The Penal Code applies sanctions against those who commit an offence, those who employ others to commit an offence and those who abet the offender. Today, more and more children are used as criminal tools partially because of the lenient sentencing of child offenders. The law does call for the court to use its discretion in sentencing the offending child, but a loophole exists in that those who made the child commit the crime will receive only one third of the punishment.

Solutions

88. All things considered, the age criteria in Thai legislation may need to be adjusted to be in line with the age criteria put forward in the Convention on the Rights of the Child. The law should aim for more prevention of problems and assistance of families in need to prevent family disintegration and children in difficulties.

C. Counselling services

General situation

89. Legal or medical counselling without the consent of parents is a relatively new issue for Thailand. Nevertheless, there are measures that provide children and youths with access to these services as described below.

90. Although there exists no specific legal provision on the age at which a child can receive medical counselling alone, there is comparable legislation to be considered. In the Civil and Commercial Code, chapter 6, section 23, it is stated: "A minor may embark on any undertaking which must be executed personally". Section 24 stipulates: "A minor may embark on any undertaking which is consistent with his or her status and necessary for his or her livelihood".

91. From these provisions, medical counselling when a problem arises could be considered a personal matter that does not require parental consent. A minor in this case means one aged not more than 20 who has not attained majority through marriage. It can then be concluded that Thai legislation does indeed allow children to attend medical counselling as it is considered a personal need which is consistent with their status. However, it must be noted that in practice, for cases requiring medical treatment which may harm the child, the physician must ask for permission from the child's guardian beforehand.

92. Before receiving legal counselling, a child must always obtain prior parental permission unless he or she has already attained majority or unless the case falls into one of the exceptions, being a personal matter benefiting the child's status. There is also a specific law which states that a minor may make his or her will at the age of 15.

93. If a minor has been permitted to carry out one or more commercial transactions, in which cases the minor has earned majority status, the said minor (or child, as defined under the Convention) could seek legal counselling on the transactions without prior parental permission.

Problems

94. Legal and medical counselling services are not widely known, especially to children, parents or legal guardians, for lack of public relations.

Solutions

95. The State should raise public awareness on the availability of these services. The child and the parents or guardian should be encouraged to appreciate the benefits to be gained by the exercise of these rights to counselling services.

D. Age of compulsory education

General situation

96. The Primary Education Act stipulates in its section 6:

> "The guardian of a child who is approaching the age of 8 years is obliged to send the child to a primary school until the child approaches the age of 15 years unless the child has already graduated from the primary grade 6 or its equivalent as determined by the curriculum of the Ministry of Education."

However, in practice, the child can enter a primary school before the age of 8 years and complete compulsory education before the age of 15 years. Each Provincial Primary Education Committee has the authority to allow children's guardians in their area to exercise this option. Most children do enter a primary school between 6 and 7 years of age and graduate from the compulsory primary grade 6 at the age of 11 or 12.

Problems

97. Some children have to leave school before completing compulsory education for many reasons. Some drop-outs are required by parents to help the family earn a living or to do household chores in their parents' stead. Their families may have problems in terms of marital conflicts and financial constraints. Children who live in remote rural areas may have no easy access to schooling or find it impossible to attend school until completion.

Solutions

98. The State must stress the importance of education, especially its accessibility to children in all parts of the country.

99. Educational standards in rural areas should be upgraded to the same level as in the cities.

E. Age of sexual consent

General situation

100. On the social front, Thailand is a country with an ancient and unique culture. The basic building block of society is the family, headed by a father whose duty is to bring up his children. In Buddhism, which is the national religion, sex for children is considered taboo on moral and religious grounds. As a result, there are no measures to encourage children to give their consent to any sex-related activities.

101. There are two approaches to sexual offences in the Penal Code:

(a) Sexual intercourse with girls below the age of 15 years is a criminal offence. A person who has had sexual intercourse with a girl, with or without her consent, is liable to punishment;

(b) An indecent act committed on a child below the age of 15 years is a criminal offence. A person who has committed an indecent act on a child, with or without the consent of the child, be it a girl or a boy, is liable to punishment.

Problems

102. It may be concluded from these provisions that a child below the age of 15 cannot give sexual consent. However, the Convention on the Rights of the Child defines a "child" as a person below the age of 18, leaving a sizeable group of children unprotected by Thai law.

Solutions

103. As a whole, Thai culture, Buddhism and Thai legislation all limit the child's right to sexual consent. The State should encourage children to appreciate the importance of this issue.

F. Age of marriage

General situation

104. Thai culture has an age-old tradition on marriage. In the old days, the bridegroom had to ask the bride's parents for her hand in marriage through the good offices of a well-respected elder. This tradition covers many details, most of which survive to this day.

105. Book 5 of the Civil and Commercial Code states that a minor aged below 20 or those who have not yet already attained majority through marriage must, in order to marry, obtain consent from any of the following:

(a) Father and mother, if the minor has both a father and a mother;

(b) Father or mother, if either of them has died, or if the court has deprived either of them of the minor's custody, or if neither of them is in a position or condition to give his/her consent or it is impractical for the minor to obtain the consent of the father or mother;

(c) Adoptive parent, if the minor is adopted;

(d) Legal guardian, if there is no one who fits the description above or those persons have been deprived of the minor's custody by a court.

Marriage without the consent of these authorized parties will result in the marriage being voidable, meaning that the above parties could request annulment of the marriage.

106. The law stipulates that boys and girls must be at least 17 years old if they are to be married. This is because the law considers people aged 17 mature enough to start a new family. However, a court may allow an earlier marriage if there are reasonable grounds, e.g. religion. Owing to the difficult conditions in rural and urban society, people do not adhere to traditions to the same degree. This can be seen in the large number of urban marriages which occur without the consent of parents.

G. Age of military conscription

107. The Military Service Act of 1936 stipulates that Thai male nationals must present themselves to be registered as military personnel when they enter their eighteenth year. Being registered is not the same as being in active service. Those who have been registered must be recruited through a selection process when they enter their twenty-first year. Once selected, the young draftees will have to enter active service; the remainder will become reservists. It is possible for people to enter active service at the age of 18 as cadets in a military academy.

108. Registration is not necessary for females.

H. Age and imprisonment

109. Thai law has clearly stated that all children aged below the age of 7 years cannot be legally punished. Those between 7 and 14 still cannot be punished, but the court may impose behavioural control through probation. For children older than 14 but younger than 17, the court may choose either to put them on probation or reduce the punishment by one half. Those over 17 but not yet 20 years old will face a sentence reduced either by one half or one third.

110. Therefore, the imprisonment of children under Thai law is different from that of an adult. Their trial will be conducted in special Juvenile and Family Courts, although these courts do not exist in every province.

111. When a child is sentenced to imprisonment, the child will be detained in an Observation and Protection Centre instead of a regular prison.

112. The imprisonment of children (1,102 in 1993) according to the above provisions is clearly different from that of adults, while many factors are taken into consideration.

I. Age for admission to employment

General situation

113. The minimum age for admission to employment is 13 years of age. This law prohibiting the employment of children under 13 allows no exceptions. Those employing children under 13 will be considered in violation of the law.

114. It is also prohibited to employ children who are older than 13 years but younger than 15 full years. However, the following exceptions can be made:

(a) Children may be employed for certain jobs as listed by the Ministry of Interior. These jobs must not be harmful to their health and to their eventual physical growth;

(b) Children may be employed for other jobs not covered in (a), but prior permission must be sought from a labour inspector appointed by the Director-General. In this case, labour inspectors must ensure that the employment poses no risk to the child's health and development both psychologically and physically. The employment must be neither immoral nor prohibited by law. The labour inspectors will then allow employers to employ the children, with certain conditions imposed.

Problems

115. The minimum compulsory school age creates a problem for child employment when compared with the minimum employment age. Children are only about 11 or 12 years old when they complete compulsory primary level, too young for the labour market which allows legal entry only to 13-year-olds. Since just over half of the primary graduates chose to continue to secondary level in the last decade, many have been entering the labour market illegally. Besides, child labour has traditionally been an important source of free labour in rural farming areas and parents will be hard put to find alternative sources of labour.

116. Child and youth labour are often illegally exploited by ruthless employers despite statutory prohibitions that allow only a certain type of work for employees over 13 years of age but under 18 years of age. On the one hand, the authorities have not been able to enforce existing legislation effectively due to manpower constraints; on the other hand, employers have no moral scruples and are out to take advantage of the children.

Solutions

117. Compulsory education is being extended to nine years by 1996. Children will have reached the age of 15 when they complete the lower secondary level, making them eligible for the labour market with higher qualifications.

118. Campaigns are afoot to extend the lower employment age limit to 15, allowing children more legal protection. Besides, specific legislation for agricultural labour is being demanded by some quarters to reduce the current oversight.

119. The question of labour is being taken care of by the newly established Ministry of Labour and Social Welfare, taking over the work that used to be done by the Ministry of Interior before 1993. There is now a Woman and Child Labour Division under the Department of Labour Protection and Welfare and a Child Welfare Promotion Division under the Department of Pubic Welfare. The new Ministry is generating a lot of activities to help combat the exploitation of child labour, for instance, projects to assist woman and child labour, on prevention and correction of the problem of child labour in the provinces and on promotion and development of child labour in enterprises.

J. Discrimination between boys and girls

General situation

120. Even though most laws do not discriminate between boys and girls, in practice discrimination against girls exists. Besides, there are laws that have different implications for boys and girls:

(a) According to the Military Service Act, young girls are not conscripted but may enter the armed forces voluntarily;

(b) Female cadets are not allowed in military academies, such as the famous Chulachomklao Royal Military Academy;

(c) If children are sentenced by a Juvenile and Family Court to confinement in an Observation and Protection Centre, boys and girls will be separated.

Problems

121. Despite there being few discriminating laws, in practice girls are often treated differently. This has the following negative implications:

(a) Further education. Parents often do not allow daughters to continue their education beyond the compulsory level while their sons are encouraged to do so. This is due to the belief that girls will one day become housewives and have no need for further education. Fortunately, this line of thought is rapidly diminishing;

(b) Employment of child labour. Girls are often hired at lower wages than boys. This is due to the common conception that girls can do less work than boys, being the weaker sex;

(c) Popular values concerning family names. Some races consider that only male descendants can carry the family name. Consequently, daughters are treated with less affection and warmth than sons.

Solutions

122. There are currently many campaigns advocating women's rights. Thai society has of late become more receptive to this concept and the current trend will hopefully continue.

III. GENERAL PRINCIPLES

123. The Convention on the Rights of the Child has a number of provisions on general principles. These include non-discrimination (art. 2), best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the child's views (art. 12). The situation in Thailand related to each of these articles is summarized in this section.

A. Non-discrimination

124. The Thai Constitution of 1991 (amended in 1995), articles 24-99, on rights and freedoms of Thai people (including Thai children), stipulates that every Thai citizen is equal under the law and is entitled to equal legal protection (art. 25). Chapter 3 of the Constitution has provisions on political and religious freedom, the right to property, and the right to protection from punishment. It also specifies labour protection, freedom of expression (whether verbal, in print, in publication and in communications), social freedom, and protection including forms of protection which are equal under the law - the right to travel, to choose a place of residence and an occupation. The Constitution guarantees for Thai people equality and legal protection regardless of race, colour, sex, language, religion or other status. Although the Thai Constitution covers only the rights of Thai people, the rights of non-Thais are encompassed by general criminal and civil laws which offer protection to all persons irrespective of race and nationality.

125. There are further legal provisions which are directly relevant to registration at birth of Thai children or children of Thai nationals. They are guaranteed protection and rights under three laws: the Nationality Acts of 1965, 1992 (version 2) and 1992 (version 3). Disabled children are protected under the Rehabilitation of the Disabled Act of 1991, which is intended to help the disabled to lead a life that is as normal as possible, having a job and participating in social activities like other people. Children are protected from punishment under the Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991 which provides for special court proceedings. These courts deal with cases concerning children, youths and families, all of which are considered sensitive subjects.

B. Best interests of the child

126. To ensure that children are treated as individuals who are entitled to special protection and care from society, while taking into account their best interests, Thailand has adopted the following social measures for the development of children:

(a) Establishment of guidelines on the improvement of children's quality of life at various levels. A Child and Youth Development Plan is mapped out every five years as part of the larger National Economic and Social Development Plan. This plan aims at developing children and youth in a way which is compatible and harmonious with the development of the local economy and society;

(b) Adoption of the World Declaration on the Survival, Protection and Development of Children. This puts part of the responsibility for children's development into the hands of their parents, guardians, other grown-ups, and various social organizations which care for children, give them love and understanding and a chance to learn as well as protecting their rights and interests;

(c) Description of the "Ideal Thai Child" as a formal target for the development of children;

(d) Compilation of the "Basic Minimum Needs and Services for Children" concept paper as criteria for what children should receive to reach their full potential.

127. On the legal and judicial front, the promulgation of the Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991 has accorded special rights and protection to children through special court proceedings, aimed at making children and youths understand their social responsibilities as well as promoting ethical values in them. It is also aimed at mitigating the problems of broken homes and, as a consequence, the problems of children who come from troubled families. The Act gives children protection from the moment they are apprehended, including a prohibition against a formal arrest. In practice, children should be detained as a last resort. The detention should last as short a time as possible. Interrogation of the detainees must be expedited quickly, within 24 hours during which the young detainees must be separated from adult offenders. The trial itself must be conducted in camera at an appropriate venue and the children must remain unfettered. The sentence must take into account the children's welfare and future. Preference is given to training and rehabilitation rather than punishment. Corporal punishment is prohibited. Children under 14 are exempt from criminal conviction and those between 14 and 17 will receive reduced sentences, as already stated in the preceding chapter and which will be taken up again in the final chapter.

C. The rights to life, survival and development

128. In order for these rights to be effectively exercised, Thailand adopted the World Declaration on the Survival, Protection and Development of Children in 1991 and mapped out action plans for the World Declaration. These action plans ensure implementation of the World Declaration so that children may develop to their full potential, have basic rights and be protected from exploitation. These plans also take into account their basic minimum needs of a family upbringing, food, health care, sanitary accommodation, basic education, aesthetic development, development of skills and knowledge, opportunities to express their own opinions, access to public amenities and services and to information on how to protect their rights, as well as to basic benefits provided by the State. To ensure that children do indeed survive and develop, Thailand has set 10 mid-decade targets for 1990-1995 for the development of the quality of life of children, namely (a) eradication of poliomyelitis; (b) eradication of tetanus among newborn infants; (c) reduction of measles incidence and deaths; (d) maintenance of child immunization coverage; (e) control of diarrhoea; (f) reduction of acute respiratory infections; (g) promotion of breast-feeding; (h) reduction of iodine

deficiency; (i) reduction of vitamin A deficiency and (j) reduction of iron deficiency. These 10 targets will be achieved by 1995, after which date the implementation will be expanded to include other areas for children's health and quality of life in society.

D. Respect for children's viewpoints

129. The National Youth Policy of 1973 aims at instilling a number of desirable traits in Thai children. The policy's article 5 calls for a child to be able to solve problems properly, to be ready to express his or her viewpoints while at the same time respecting the viewpoints and reasons of others. The National Youth Policy of 1979 urges children to have sincere wishes to participate in social development, to respect others' viewpoints and to be rational and creative. The National Child and Youth Development Plans also emphasize that children must have the opportunity and the ability to express their ideas and participate in activities. The World Declaration on the Survival, Protection and Development of Children states that children must have the opportunity and the ability to express their ideas with social conscience.

130. In practice the group approach to children's development has been adopted in the formal and non-formal education systems and by both governmental and non-governmental organizations. The group approach provides opportunities for children to have a first-hand experience of democratic practice, to be able to think and express their opinions rationally. Groups and clubs are promoted as part of the curriculum. Student councils in schools give children a chance to express their ideas and needs to the school's administrators and teachers. Such student councils and groups have spread from schools to universities. At one time, the student movement was strong enough to overthrow a military government (on 14 October 1973). Practically every school has clubs and societies. Other out-of-school youth groups in rural areas include the Young Farmers' Group, subdistrict or Tambon youth centres, and rural teenagers' groups. Children and youth can express their ideas and needs to Tambon Councils whose members are community leaders, as well as to local government officials directly. Thailand has been promoting group activities for self-expression of children and youth since 1953 when the Young Farmers' Group was established. It rapidly expanded to all areas of the country with the intention of setting up youth groups and youth centres in every subdistrict and rural villages as part of a larger development plan. Today, there are youth centres and groups in all areas of the country, both at village and Tambon levels. These groups number more than 10,000 and have no fewer than 350,000 members.

131. The private sector has helped by organizing the Rights of the Child Forum every year since 1991. This is aimed at giving children a chance to express their ideas which are then disseminated to raise public awareness on the subject of child rights.

132. Children's opinions are also respected in judicial proceedings. The Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991 grants children the right to appoint counsel to make statements of objections or to question witnesses.

133. Although the Constitution and other related laws have clearly defined provisions on non-discrimination against children, there exist certain laws and regulations that differ when applied to boys and girls. This is due to cultural values and traditional beliefs in the separation of the sexes; for instance, boy offenders and girl offenders are sent to separate Observation and Protection Centres; regulations of military academics do not allow women to follow their regular curricula; the Military Service Act does not conscript young girls but they may volunteer if they wish.

134. The disabled are being better treated under the Rehabilitation of the Disabled Act of 1991. In accordance with this Act, a Committee on the Rehabilitation of Disabled Persons was appointed under the jurisdiction of the Department of Public Welfare. The Act requires registration of the disabled in order to receive services. It also stipulates that three related ministries, the Ministry of Labour and Social Welfare, the Ministry of Public Health and the Ministry of Education, must issue ministerial regulations to facilitate the enforcement of the Act. In 1995 the Ministry of Labour and Social Welfare issued a regulation on social and vocational services for the disabled, and the Ministry of Public Health issued a regulation on medical services for the disabled.

Problems

135. Local culture, popular beliefs and traditional values make some Thai people discriminate against girls in favour of boys. This situation is particularly true in education. Though male and female enrolments are roughly equal in number at the tertiary level, it is likely that a boy will receive more support to continue from the compulsory primary level to the secondary level than a girl. Traditionally, a son is expected to be the future head of the family who will carry the family name to the next generation. This belief could well be the reason that girls enter the labour market as unskilled labourers earlier and in larger numbers than boys (as revealed in a survey in 1991). Boys receive better treatment and greater respect from their parents for another reason: they can enter the Buddhist monkhood, an act that accords their parents, particularly the mother, great merits. This belief is so prevalent that in some localities in Thailand, girls allow their parents to sell them into prostitution as a way to instantly repay their debts of gratitude to the parents.

136. Not all children have access to public amenities and social services. Those who do not, especially children in remote rural areas or children of migrant workers, seem to be discriminated against in terms of educational opportunities and health care. Disabled children are often confined to their homes and denied basic public utilities and career opportunities. Thailand provides limited protection to refugee children without Thai nationality while they are in Thailand. This is due to the fact that in the past two to three decades Thailand has been, and still is, surrounded by countries which suffer from internal conflicts and turmoil. The inhabitants of neighbouring countries, fleeing persecution and hardships, have been seeking shelter and safe haven in Thailand where they are given assistance and provided with services on a temporary basis.

137. Data collection on children poses another problem. Though the National Statistical Office conducts regular surveys, they have not been devoted exclusively to children. The available data on children are not sufficiently disaggregated and a great number of relevant details have not been included, especially concerning children in especially difficult circumstances owing to their being constantly on the move. This lack of essential and relevant data has hampered the implementation of child rights.

Solutions

138. Despite the many deficiencies both in the legislation and in its discriminatory application, Thailand has made efforts to improve existing rules and regulations that accord the child rights and protection. These include assistance in the birth registration process, amendment of the Nationality Act, expansion of such basic services as health care and education to the rural areas, fostering prosperity in the rural areas through local participation, rehabilitation of the disabled and protection of children in especially difficult circumstances or emergency situations.

139. To raise public awareness of child rights, the National Youth Bureau (NYB) should map out a clear action plan for the purpose. Children should be informed of their right to freedom of expression which is not in contravention of law and order and customary practices. Proposals should be made to amend the existing laws and procedures in response to the Convention on the Rights of the Child. Members of the general public should be made to recognize and accept the relevant legal provisions. They should be made aware of the importance of children, thereby leading to attitudinal changes and proper treatment of children.

140. The State should promote and encourage private and media participation in assisting children and disseminating information on children, for example, in schools in remote underserved areas, so that rural children will have better access to health care and education through more aid programmes. The private sector should set up more systematic and better coordinated organizations to protect and assist children while the public sector should continue its efforts to set up coordinating agencies for the implementation of child rights.

141. As far as refugee children are concerned, the Thai Government has acted in accordance with humanitarian principles and the guidelines of the United Nations High Commissioner for Refugees. Those displaced persons who are under 18 years of age are given care and protection comparable to their Thai counterparts. Those refugee children in the special groups, such as handicapped or orphaned children are treated with special care by governmental and non-governmental organizations. However, these measures are not adequate to guarantee the rights of refugee children. The NGOs, in particular, have moved for amendment of the legislation on nationality and national security so that responsible officials or personnel may use their discretion and judgement to allow refugee or other undocumented children rights and protection under Thai law similar to what Thai nationals receive. At a meeting of governmental and non-governmental organizations for the writing of this report, it was decided that the Government should be advised to withdraw the reservations it had made when signing the Convention.

142. Thailand has been making efforts to improve data collection on the child population by adding specific criteria for certain categories of data in the national census survey. New and relevant indicators are being created for a more systematic collection, for example, the child's sex and status and other relevant indicators for detailed information on special groups of children. In particular, the latest technologies should be applied to data collection and data processing for more timely intervention and appropriate action. There are also plans to set up a central coordinating agency to link all the data-collection systems into one nationwide network so that the various organizations can easily access accurate and reliable information for their use.

IV. CIVIL RIGHTS AND FREEDOMS

A. Nationality and birth registration

The general situation

143. The grant of Thai nationality is covered by the Nationality Act of 1965. Originally, children could acquire Thai nationality through having a Thai father and/or by reason of birth on Thai soil. However, by Revolutionary Announcement No. 337 of 1972, the right to nationality by reason of birth on Thai soil was revoked. Past nationality laws did not recognize the acquisition of Thai nationality through the mother. For example, children born of a Thai mother married to a foreigner did not acquire Thai nationality automatically. However, in 1992 two new nationality laws rectified the situation in regard to such children: the offspring of Thai fathers or mothers acquire Thai nationality automatically.

Problems

144. Poverty has caused many people to leave home in search of employment. They live nomadic lives and often have no access to birth registration.

145. Though the Registration of Inhabitants Act applies to each and every Thai citizen, most people neither know nor study the law. This causes many problems when it comes to birth registration.

146. Some government officials are prone to discriminating behaviour, providing services only to people who reciprocate their favour; the officials often fail to provide adequate services.

Solutions

147. The Government should promote public education on laws which are directly beneficial to the people so that they may comply with the laws correctly.

148. Government officials must not discriminate against or inform any group of people. They should serve all members of the public on an equitable basis.

149. Birth registration should be made more accessible. It should be made possible as soon as there is reasonable proof that an undocumented child is really the child of a certain couple.

150. The Government should enable birth registration to take place anywhere, irrespective of the domicile of the child.

B. Publication and distribution of children's literature

General situation

151. There is a paucity of children's literature in Thailand. Children's books which are on the market are usually costly, using high-quality paper and advanced printing techniques. Most of them have been translated from foreign authors under copyright agreements and are put on sale in large bookstores or department stores. The shortage of fiction or short stories for children is even more severe. Publishers are not assured of their profitability, owing to children's lack of purchasing power. On the other hand, there are many comics available to children, widely on sale at newspaper stands and bookstores. Over 90 per cent are simply translations from Japanese, most of them comics with pornographic or violent pictures not suitable to children. These comics are popular among children because they are cheap, as publishers do not need to hire local artists to draw the pictures.

152. The Ministry of Education has set up a national book development council on this subject and holds annual book contests and exhibitions. The National Youth Bureau likewise holds an annual contest of the outstanding mass media for youth.

Problems

153. The Government has not yet taken up the cause of children's literature. This means that good books are still expensive and printed only in limited quantities. Books catering to the needs of youth are all too rare.

Solutions

154. The Government should promote the creation of quality literature for children and find ways to encourage private publishers to produce large amounts of it at lower and affordable prices for parents, with appropriate tax deductions.

C. Protecting children from media violence

General situation

155. The matter of child rights has received more attention of late and the media have also developed considerably. In view of these two trends, it is ironic that children who have been subjected to physical violence in various manners are neither protected from nor assisted by the media.

Problems

156. When a child is sexually abused or made a prostitute, the news hits newspaper headlines with pictures on the front page. These pictures are often full-colour pictures (at times with a thin black strip covering the victim's eyes) clearly showing the child's face. Printing these pictures can be considered a form of child rights violation. If the child is under 15 years of age, a pseudonym is usually used in the text with a small note that it is just a pseudonym. If the child is older than 15, the child's real name is sometimes used and the pictures appear without the little black strip of privacy.

157. There are weekly or monthly magazines featuring crime news of children being raped or subjected to violence, with big, clear pictures of the victims. Some show the victims' faces, exposed and recognizable. They often show pictures of children in various predicaments, such as street children and begging children.

Solutions

158. Nowadays, there exists legislation which protects children from being exposed by such magazines. However, there are still many violators who failed to cover the child's face. Section 98 of the Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991 prohibits the printing and distribution of photographs and the recording and disseminating of the voice of an accused child, thereby protecting the child's identity.

159. Children should be protected from these violations through more legislative measures. A law should be passed to shield children from violent and harmful media reporting as there are still many print media which depict violence and pose a danger to children. Government officials have been unable to clamp down on these offenders. Technology poses a special threat to children, for instance, satellite television which is beamed directly into the homes is not subjected to any controls. Existing laws must be revised and brought up to date in order to cope with advanced technology.

160. A law should be adopted regarding minimum ages of viewers for admission to cinemas. Television programmes featuring violence should be confined to certain air times and there should be more severe punishment for distributing violent and harmful media to children.

D. Child protection procedures

General situation

161. Thailand has a number of laws protecting children. These include protection from sexual molestation, abduction and detention, torture, assault, abandonment, child labour and prostitution and potentially damaging media. Anyone violating these laws or otherwise harming a child will be punished accordingly.

Problems

162. Though Thailand has many laws on child protection, they do not accord effective protection to all children. Many problems exist which prevent the effective protection of children. They are:

(a) Many laws allow lenient punishment for offenders in comparison to the offence. Offenders therefore do not fear the law;

(b) In the absence of certain legislation, offenders can go unpunished;

(c) Government officials have a duty to protect children who have been violated. However, the number of government officials available is not sufficient to care for the children. In addition, the few who are available often share interests with the offenders and turn a blind eye to the offenders in exchange for payoffs;

(d) The economy is an important factor both to children and their families. It has been discovered that many children and youths are pushed into prostitution as a means to earn income to support their family. This is aggravated by criminality and a criminal system which exploits children.

Solutions

163. Increase the penalties for certain offences as a deterrent.

164. Adopt new laws or amend existing laws for better coverage.

165. Increase the number of government officials and punitive measures for law enforcement officers who are accomplices or who fail to carry out their duties.

166. Campaign for children's education including on the subject of child prostitution and child labour and extend compulsory education so that children will have more knowledge and capabilities.

167. Solve the family's economic problems so that children may live a normal life.

E. Investigation and interrogation procedures in child cruelty cases and its prevention

General situation

168. More and more children are physically abused or affected by family violence in today's society. This is due to socio-economic and political changes. Measures for solving the problem of child cruelty or family violence may be categorized as follows:

169. Legal measures are an important tool in addressing or deterring child cruelty. They may be divided into two types:

(a) Criminal laws. Though section 398 of the Penal Code simply states that a person who commits acts of cruelty on a child who is below the age of 15 and who is a dependant faces a maximum of one month's imprisonment or a 1,000 baht fine or both, there are other criminal laws (sects. 293, 295, 297, 303) which can also be applied to child cruelty cases in addition to the following specific ones:

(i) If anyone tortures a child resulting in the death of the child, the offender is guilty of torturing a child and is liable to 3 to 20 years' imprisonment (sect. 290);

(ii) If anyone commits an act of cruelty or similar acts on a child who is dependent upon him for a living or otherwise until the child is driven to attempt suicide, regardless of whether the suicide succeeds or not, the offender is liable to a maximum of seven years' imprisonment and a fine of not more than 14,000 baht (sect. 292);

(iii) If anyone tortures a child and causes permanent mental or physical harm to the child, the offender is liable to a maximum of three years' imprisonment or a fine of not more than 6,000 baht or both (sect. 295). If the torture results in the child being critically injured, the offender is liable to prison terms ranging from 2 to 10 years (sect. 298);

(iv) If an offender has committed a child cruelty act and has infringed the child's freedom, he is liable to criminal punishment under the Thai Penal Code (sects. 309-320);

(b) Civil laws. Section 1582 of the Civil and Commercial Code states that when an authorized person or a guardian abuses his authority of guardianship over a child, such as by committing acts of cruelty or indecent acts, the court may order either of its own volition or upon a request filed by the child's relatives or a prosecutor that the guardian's authority be revoked.

170. Governmental organizations whose function is to redress the problems of child cruelty include the following:

(a) The Ministry of Interior, through its administrative officials or police, is empowered to apprehend and prosecute perpetrators of child cruelty, which is considered a criminal offence;

(b) The Department of Public Welfare, under the Ministry of Labour and Social Welfare, has a duty to protect the welfare of children and youths who, if tortured, are entitled to assistance from public welfare officials.

171. Non-governmental organizations which focus their efforts on child rights protection are many, the Centre for the Protection of Children's Rights of the

Foundation for Children and the Child Rights Protection Centre of the Young Buddhists Development Foundation, to name but two. The Centre for the Protection of Children's Rights assisted 226 abused children from 1985 to 1992 and 425 sexually abused children during the same period.

172. The mass media have an important responsibility when reporting news of child cruelty or an infringement of child rights. The newspapers, and television news programmes in particular, often show violent acts committed against children. The media can make both governmental and non-governmental organizations aware of infringements of child rights so that they may intervene and help. There are many successful interventions of this kind; unfortunately, they have not been recorded.

173. The burden of prevention of child cruelty or family violence has not been clearly defined among governmental organizations. Only the NGOs working for child rights have met with some success. The Child Rights Protection Centre of the Young Buddhists Development Foundation has about 300 child rights protection volunteers operating in the provinces of Ubon Ratchathani, Si Saket, Mukdahan, Yasothon and Surin.

Problems

174. There are still no laws which specifically address the protection of children's welfare.

175. The role of governmental organizations in preventing or protecting child rights from being infringed is still unclear. They lack the authority to intervene and help children who are being abused at home. There are no statistical data on abused children, which is a major problem for future operations and planning of child protection.

176. Non-governmental organizations still lack coordination and cooperation among themselves. Each NGO has its own way of protecting child rights without budgetary assistance from the Government. NGO staff often lack experience and skills in the field of child rights protection.

177. There are no measures in place to compel doctors, nurses, social workers or child workers who come across actual or likely child abuse cases to report them to relevant child welfare protection agencies.

178. The general situation nowadays is that the Government gives lower priority to the problem of child abuse than the private sector. The Government has no clear-cut policy to protect children from cruelty or exploitation, resulting in an inadequate commitment in terms of budget and personnel.

179. Since abused children cannot take their offenders to court by themselves, someone else must be empowered to do so. A suitable organization should represent the child in court if the offender is not the child's own parent. If the child is abused by his or her own parents, an NGO could intervene by filing a request to a prosecutor to act on the child's behalf.

Solutions

180. Governmental organizations and their personnel should be strengthened so that they can intervene more efficiently in child abuse cases. At the same time, the agencies and personnel should be given more power and authority.

181. There should be closer coordination between governmental organizations and NGOs. They should join forces to work towards a common goal.

182. Many laws should be amended for better protection of children, for instance, increasing the punishment for child abusers.

F. Corporal punishment

General situation

183. Current laws and practices regrettably condone corporal punishment in schools, Observation and Protection Centres and child and youth welfare centres. Caning is allowed on condition that it is a measure to punish misconduct or to maintain the institution's discipline. Thai society through the ages has accepted that teachers, instructors and parents can cane the children under their control. However, if teachers or officials cane children more than what is considered reasonable, they are liable to punishment under the Penal Code similar to that accorded other child cruelty offenders, as mentioned earlier.

184. If a child is unjustifiably hit or caned, the child may lodge a complaint with the superior of the offender. If the offender is a government official, he or she will face disciplinary actions under the Civil Service Regulations Act. The child may also lodge a complaint with police or may request that their parents lodge a complaint with the superior of the offender on their behalf. The parents may pursue the offender in court if necessary.

Problems

185. There are no laws directly protecting children from being subjected to acts of cruelty.

186. There are no definite procedures for lodging a complaint in such cases.

187. If a child is caned in school, there will usually be no complaints out of respect and consideration for the offenders or because the child or his/her parents do not expect fairness from the authorities.

188. Many NGOs are calling for the abolition of corporal punishment in schools, considering the punishment too severe.

Solutions

189. Laws should be enacted specifically to protect children from acts of cruelty.

190. There should be clearly defined procedures for lodging a complaint in a case of child cruelty.

191. Officials should be made to follow rules, regulations and orders as well as to respect the child's rights.

192. The child's parents and guardian should be encouraged to take better care of their child.

193. There should be organizations to assist children who have been severely abused.

V. THE FAMILY ENVIRONMENT AND RELATED FACTORS

194. Child development begins in the family. Consequently, the quality of the family environment is an important factor in the child's development. The State's role is to use every means at its disposal to see to it that the child remains with his or her own family or in an environment that most resembles that of a family. However, family problems that affect child development stem in the main from an imbalance between economic and social development, causing uneven distribution of income and unfair resource allocation. The income gap between the rich and the poor has widened while the nation's wealth is concentrated in the hands of a few select urban groups. Economic growth brings with it influxes of workers into urban centres, especially the capital. Both parents have to work or make their offspring work to support the family. Other social problems ensue, for example, more cases of children born out of wedlock, of child neglect due to divorce or separation, of child torture and cruelty, of child labour exploitation, of child vagrancy and child prostitution. Moreover, environmental degradation is causing an increasing number of problems for the child and the family.

195. Besides, there exist laws that fail to respond to today's situation, owing to the conflicting spirits of modern-State laws and traditional Thai laws. To make matters worse, there is the problem of how to promote law enforcement according to the spirit of the law. Nevertheless, every child is entitled to legal protection and is guaranteed rights under the law. Special consideration must be given to the best interests of children brought up in irregular circumstances: children in impoverished families, children born out of wedlock, children of separated or divorced parents, children neglected or abused in the family, children in care and disabled children.

A. Children in impoverished families

General situation

196. In the past years, though Thailand's economy has expanded satisfactorily, the problems of poverty and uneven distribution of wealth have been unavoidable and are getting worse every day.

197. Poverty in Thailand is dependent on the status of the country's rural economy. The Thailand Development and Research Institute (TDRI) has estimated that one fourth of the population live below the poverty line while about 30 per cent of the rural population are considered poor. The region

with the largest number of poor people is the north-east where about 80 per cent of the nation's poor live, most working in the agricultural sector.

198. As has already been said, children are the ones who suffer most in impoverished families. When a family is not economically well off, the chances for the children to develop to their full potential are greatly lowered. It is worth noting that the problem of poverty is a vicious circle: poor parents who have little education and bad health raise even poorer, less educated, and less healthy children. The problem will increase in severity until a way is found to solve the problem of poverty and of unequal distribution of income.

199. Currently, there are many agencies, both governmental and non-governmental, which assist these poor families and their poor children. The Department of Public Welfare is the main agency for the care of children aged between 0 and 18 who are in needy families nationwide. There are public welfare offices in 72 provinces which work towards helping people in all parts of the country. The Christian Children's Fund Inc. also helps poor children. The Department also makes available loans for use in post-secondary and undergraduate education. Education and vocational and moral training are provided to children in child-care centres and homes run by the Department. The Ministry of Education's Office of the National Primary Education Commission runs school lunch programmes in all parts of the country. The Ministry of Public Health provides welfare cards and health cards. NGOs implement all kinds of child assistance projects, such as donations, lodging, education and training.

Problems

200. The lack of significant data on poor children has made wide-scale operations impossible. Various agencies concentrate their operations in a particular area, on a case-by-case basis. There is no holistic approach or central mechanism to ensure effective and continual assistance to poor children.

201. The problem of poverty is a major one with far-reaching implications that can only be overcome with cooperation from all sides. The current relief operations are being conducted in a haphazard, ad hoc manner without proper coordination to ensure that they have the same direction and are mutually beneficial. They are therefore a senseless waste of money.

202. Poor children have no access to government services such as education and health care because the number of the outlets of these services is still severely limited and the outlets are unevenly distributed.

Solutions

203. Poverty and uneven distribution of income should be reduced by trying to increase the income of certain target groups, both in terms of geographical location and of occupation.

204. Services should be provided or expanded so that the poor can easily access them. The services would include health care, nutrition, education, vocational training and spiritual development to develop the potential of these people and make them self-reliant.

B. Children born out of wedlock

General situation

205. Children who are born out of wedlock are those who do not have a father to register their birth or legitimation. The exact number of these children has never been established. Most are the result of unintentional pregnancies and are often abandoned.

206. The status of children born out of wedlock, under book 5, title 2, of the Civil and Commercial Code regarding fathers, mothers and their offspring, is as follows:

(a) A child born to an unmarried woman is considered the legitimate child of that woman (sect. 1546);

(b) A child's right to legitimation is protected by section 1536, paragraph 1: when a child is born to a married woman or within 310 days after the dissolution of a marriage, it is assumed that the child is the legitimate child of the man who is or was the woman's husband. Section 1547 provides that a child born to unmarried parents will be the legitimate child of the father only when the parents are married afterwards or when the father registers his or her legitimation or when the court rules that he or she is legitimate. Besides, section 19, paragraph 1, of the Registration of Family Act stipulates that when a father requests registration of legitimation of a child, if the child and his or her mother are in a position to give consent and do so personally, the registrar may carry out the registration;

(c) A child's right to sue for legitimation is provided in section 1556. If a case is brought to court before the child reaches 15, someone else may file the suit on the child's behalf. That person could be the child's legal representative, or in case the child's legal representative is non-existent or unavailable, a child's close relative or a court-appointed representative. When the child is fully 15 years of age, he may pursue the litigation on this matter by himself or herself without the consent of his or her legal representative.

Problems

207. The State's preventive role is not effective enough. Despite counselling services in parenting and family offered by both governmental agencies (the principal one being the Department of Public Welfare) and NGOs (mainly the National Council of Women of Thailand), their current activities have not been able to reach the intended target groups.

208. Thai society does not accept out-of-wedlock pregnancies, although the mother often takes good care of her child. Children in these situations may be denied opportunities to participate in certain social activities.

Nevertheless, those children who receive proper maternal care do not pose a social problem, unlike problems caused by unwanted pregnancies and subsequent attempts to abort or dispose of the infant. The number of infants abandoned in hospitals soon after birth increases every year. Actually, the majority of children born out of wedlock are abandoned in hospitals (about 500 a year, while 1,613 abandoned infants were sent to the Infants' Home in 1989). Many of them are disabled due to the mother's attempts to abort the child while in the womb.

209. Though there have been revisions and amendments to legislation protecting children born out of wedlock, the laws have not kept up with today's social conditions and need to be further developed in the best interest of the child.

Solutions

210. Counselling services on parenting and the family and other social welfare services should be expanded to cover the general public in all parts of the country, especially in schools. These services should be aimed at preventing unwanted out-of-wedlock pregnancies. If a problem does occur, a good way out could be sought that does not lead to other problems.

211. Communities should be encouraged to create a climate of opinion that accepts children born out of wedlock in order to prevent any discrimination against them.

212. There should be research on data collection and compilation of statistics on children born out of wedlock on a systematic and continuous basis by a "National Population Register", still to be established. There should be competent officials who are exclusively responsible for illegitimate children to protect and ensure them of their rights.

213. There should be a surveillance system to prevent the abandonment of newborn children in hospitals.

214. Laws should be amended to better protect children from having no father to care for them through the following provisions. A child born to a woman while married must be presumed to be the legitimate child of her husband while a child born after her husband's demise must be assumed to be his legitimate child if it can be proven that she became pregnant before his demise. If the father and mother are not married, the father may express his intent to be registered as the child's father during the pregnancy or after birth by recording the message in writing on the child's birth record or by sending a letter to the National Population Register, the Child Support Agency (both agencies are still to be established), Thai embassies or consulates (if in a foreign country) or the captain of a ship (if the father is aboard a Thai ship in international waters). The declaration of the father is valid only if the mother accepts it in writing or if the declaration is made by a man claimed by the mother to be the child's father (additions to sect. 1547). If the child still does not have a father according to the preceding criteria, the competent officials must be responsible for identifying a father for the child. When the child is born, the doctor or midwife must report the birth to the National Population Register. The report must clearly state who the

child's father is, or who the child's mother alleges the father to be. If the child is born in the absence of a doctor or midwife, the mother will have to submit this report. If the child does not have a father or if the father and mother do not live together, another report must be submitted to the Child Support Agency (additions to the Registration of Family Act).

215. Laws should be amended as follows to allow wider scopes of paternity suits so that the father will accept more responsibility for the child than mere legitimation. When the Child Support Agency receives a report of the birth of a fatherless child, its officials would notify the man alleged to be the child's father of the child's birth. If the man does not accept that he is the child's father, the officials will then submit a report to the National Population Register and the provincial governor to proceed with a case in court in order to establish the identity of the child's father (additions to sect. 1556). In a paternity suit, the court may order blood tests of the alleged father or require other means to prove genetic heredity of the father. The court may summon every man who has had sexual intercourse with the mother at the time when she became pregnant (additions to sect. 1556).

216. It must be noted that today more and more children are being conceived by means of advanced technologies and are not being protected by any legislation. Neither the Civil and Commercial Code nor the Child Adoption Act cover the case of money-making surrogate pregnancy. Measures should be enacted to protect the welfare of these children by the establishment of a Centre for the Protection of High Technology Births which would oversee the licensing and management of sperm and egg banks and the creation of foetuses. The centre would prohibit any experiment to create life outside the mother's womb or by other unnatural means. It will prohibit the advertisement of surrogate pregnancy services and ensure that the surrogate mother receives no remuneration. Only couples who are unable to conceive naturally would be allowed access to the technology. The surrogate mother must be married and her husband will be the father of the child. The biological parents will only be adoptive parents of the child in accordance with the Child Adoption Act, effective from the moment a request for surrogate pregnancy is filed.

C. Children of separated or divorced parents

General situation

217. Thailand's unbalanced development has caused a change in family structures, with broken families becoming the norm. Both parents must work full time for economic reasons, leaving less time for their children; some parents may actually have to work far away from home. The warmth and closeness that characterize the family diminish, leading to separation and, eventually, divorce. The divorce rate has been shown to be on the increase each year as of late (33,344 divorced couples in 1988, 40,875 in 1989, 44,725 in 1990, 45,230 in 1991 and 47,025 in 1992). These figures exclude those who have not registered their marriage and those who have not divorced despite the rift. This implies, of course, that the number of children having separated or divorced parents is also increasing every year.

218. In Thailand, there are many couples who divorce on good terms without animosity towards each other and are willing to jointly care for their

children. These children are not prevented from contact with and receiving loving care from both parents. In addition, the child's rights to care from and contact with their father and mother are protected by provision in book 5, title 3, of the Civil and Commercial Code regarding father, mother and child as follows:

(a) On the duties of father, mother and child: the father and mother must care for the child. The law states that parents must look after the child, provide him with education as is deemed appropriate during the time while the child is still a minor. The parents must care for the child until he attains majority except in the case of a disabled child who cannot earn a living for himself (sect. 1564). The child who has not attained majority will remain under the guardianship of his parents (sect. 1566);

(b) A divorce has effects on children. The exercise of parental rights to a child following the divorce of a couple by consent requires a letter of agreement from both parties, stating precisely who will have custody of the child. If the couple have not or cannot come to an agreement, the court will decide for them (sect. 1520, para. 1). If the divorce is obtained through a court decision, the court will have to decide who should obtain custody of the child (sect. 1520, para. 2).

219. On the matter of child support, the law states that if a couple both consent to a divorce, it must be stated in the formal divorce agreement how much money each or either one of them will pay for the upbringing of their children (sect. 1522, para. 1). If the divorce is obtained through a court decision or if the divorce agreement lacks appropriate clauses on alimony, the court will decide the amount (sect. 1522, para. 2).

220. Either of the couple may request a temporary court order so that matters concerning their assets may be dealt with during the process of the divorce. This includes matters of marital assets, homes, alimony and child support (sect. 1530).

221. The law states that alimony may be requested by the party entitled to support. The court will rule on the amount of alimony, depending on the donor's capabilities, the economic status of the recipient and their conduct in the case (sect. 1598 (38)). Concerning a request for child support under special circumstances and in the interest of the child, the court may deem it appropriate for the child to receive support in addition to the agreement or the request filed by either party (sect. 1598 (40)).

222. The right of visitation of the parents is protected and maintained as appropriate despite revocation of the parental rights of either parent by the court (sect. 1584 (1)).

223. In addition, the provision on court discretion in judging a divorce case is such that when a couple files for divorce and presents reasonable evidence for a divorce, section 1516 states that the court must rule that the couple be divorced from each other. However, if the divorce case comes before a Juvenile and Family Court, an opportunity for reconciliation will be given to the couple who can come to an agreement or a compromise that is conducive to

happiness and peaceful coexistence in the family (sect. 1516 and the Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991, sect. 108).

Problems

224. There is an ever-increasing number of divorce cases. Following divorces, there are a number of children who do not receive any child support as agreed in the divorce agreement and subsequently suffer a lowered standard of living (in 1991, there were 2,508 divorce cases and of these, only 103 requested child support).

225. Even though children living in troubled families are guaranteed their rights to parental care and contact, they can become emotionally unstable. This causes other problems, such as runaways, child prostitution and drug addiction.

226. Current laws are not well suited to today's social conditions. Many sections should be revised and amended to expand the scope of protection and care for children, to ensure their rights to live with their parents or to keep in contact with them.

Solutions

227. A governmental organization called the Child Support Agency should be established.

228. Family counselling services should be expanded. These services should be considered a necessity for troubled or potentially troubled parents, guardians, children or family members. They can help prevent and redress strained family ties. The task of assisting children who are in families should be given more importance. Children should be ensured at the very least family upbringing and receive appropriate counselling despite their having to live in a one-parent family.

229. Laws providing protection of the rights and welfare of children of divorced couples should be amended to give them better protection from the trauma of divorce or separation. The child should be ensured support and opportunities to see both parents. The laws should also stress reconciliation and compromise as well as counselling for separated couples as follows:

(a) There should be a general rule which states that a child has the right to live with both its parents in the case of separation or divorce or in the case that either parent has been stripped of parental rights. The law should also state that parents have the right of visitation, regardless of whether there is a formal agreement or not. If one party does not abide by this, the matter may be pursued in court where the child's best interest should be of prime consideration. If either parent dies, the child's closest relative may assume this right (additions to sect. 1584, para. 1);

(b) There should be a provision giving joint custody of the child to couples who have obtained a divorce by consent or by a court decision (additions to sect. 1520, paras. 1 and 2);

(c) There should be a provision stating that before a divorce the court should determine how children of the family should be cared for, in particular offspring who are under 16 or offspring under 18 and still studying or being vocationally trained and those under 18 who have special needs such as being physically or mentally handicapped (additions to sect. 1520, paras. 1 and 2);

(d) A provision should be enacted granting children the right to see either of their parents or both parents whose parental rights have been revoked, and these parents should also have the right to see their children (additions to sect. 1520, paras. 1 and 2);

(e) There should be a provision ensuring minors the opportunity to meet and live with their parents or either parent if they are separated. The parents should also have the opportunity to meet and live with their child during the separation (additions to sect. 1516, para. 4/2);

(f) The court should be empowered to order which parent should have the responsibility of caring for the minor as well as pay for his or her expenses when the couple separate (additions to sect. 1462);

(g) There should be additions to section 1516, paragraph 4/2 and section 1462 concerning separation to allow for reconciliation, compromise and counselling during the separation. The court should stipulate in particular that the minor's rights and welfare must be protected;

(h) If the mother wins custody of the minor, the court should allow the mother and her child to remain in the house which is a marital property. The house will be hers until she remarries or until the child attains majority (sect. 1533 on division of marital property).

D. Child neglect, child abandonment, child abuse and family violence

1. Child neglect

230. The modern Thai family is often one with both parents having full-time jobs outside the home. Some leave their children at day-care centres or with grandparents, while others leave their children at home with maids or even alone though children are supposed to be protected from such neglect under the Penal Code, sections 306, 307 and 308, defining the responsibilities of a child's legal guardian. Under the law, the legal guardians who neglect their duties may face criminal proceedings, depending on under which of the three following categories the offence is committed:

(a) In the case of a child who is below the age of 9 being left unattended, section 306 states that whether harm comes to the child or not, the person looking after the child will be liable to punishment;

(b) If those whose legal duty it is to care for the child, such as the child's father and mother, a legal guardian or a contracted guardian, leave the child in situations where the child is likely to be harmed, that person will be considered guilty (the child does not need to actually be harmed, but only left in a situation where he or she could be harmed);

(c) If any of the above situations result in critical injury to or death of the child, the offenders will be charged with assault or manslaughter.

231. The State has launched a great many projects on prevention and reduction of child neglect, through, among others, the Department of Public Welfare and the Department of Social Welfare of the Bangkok Metropolitan Administration. Other programmes are run by the National Council on Social Welfare of Thailand, the YWCA and the National Youth Bureau.

2. Child abandonment

232. The change in the economic and social structure has brought along with it the problem of poverty to Thailand. The problem of uneven distribution of wealth, the change in attitudes and values, the mindless adoption of Western culture as well as the change in the family structure have weakened and undermined the family to a great extent. This, in turn, brings about many problems which cause more and more children to be abandoned and orphaned. The trend is for more and more newborn children and infants delivered in Bangkok hospitals to be abandoned.

233. From various studies, it has been shown that the main reasons for abandoning children are out-of-wedlock pregnancy, urban migration of the mother and student pregnancy. In 1988, the number of abandoned or orphaned children given assistance totalled 15,077, of whom 5,641 were put in welfare homes run by the Department of Public Welfare, while the remaining 9,436 were taken care of by the private sector.

234. The problem of abandoned and orphaned children can stem from the following:

(a) Families broken up by divorce, separation or desertion by either partner;

(b) Poor families, families with too many children and one-parent families;

(c) The family head or members being chronically ill, addicted to drugs, disabled or imprisoned;

(d) Lack of warm, understanding relationships between family members;

(e) Teenage or student pregnancy;

(f) Rape or incest;

(g) Armed conflicts or natural disasters.

235. On the subject of care for abandoned children and orphans, most of the effort is aimed at providing substitutional care, both on a temporary and permanent basis. Welfare centres and foster or adoptive families, provide the child with physical, intellectual, emotional and social development. The

Department of Public Welfare is the central government agency in charge of this type of care. (See E. Children in other types of care for details.)

Problems

236. Personnel lack knowledge and experience and have no professional dedication. In addition, they know only about what happens within their own division and do not cooperate with other agencies.

237. There is no effective coordination between governmental and non-governmental organizations and among NGOs themselves.

238. Data collected on present social indicators do not accurately present the overall picture of the underprivileged children's plight.

239. The provision of child-care services (welfare centres in both the public and private sectors) is concentrated in Bangkok rather than in the provinces.

240. The problems of child adoption are:

(a) Red tape causes delay in applying for the adoption of a child;

(b) The child's adoptive parents do not cooperate in follow-ups as they fear the child will learn that he or she is adopted.

241. The welfare homes have become the first choice of care for orphaned and abandoned children instead of the last. This is because society does not have any measures to prevent the abandonment of children.

Solutions

242. All possible steps should be taken so that every child born is wanted by its parents. Foster care and adoption should also be promoted to provide care only for those who are abandoned.

243. The general public should be provided with family education so that they will understand the importance of preventing children from being abandoned and of children being brought up in a family environment.

244. Laws and regulations on assisting abandoned and orphaned children should be revised.

245. Abandoned and orphaned children who receive care from public or private welfare homes should be admitted to welfare schools. They should remain in these boarding schools at least until they complete the lower secondary level so that they may have a decent education in terms of general education, civics and the world of work and are ready to go out and fend for themselves as active members of society.

3. Child abuse and violence in the family

246. The tense social rigours of today, stemming from economic necessity, have made many families, especially urban families, struggle to make ends

meet. In addition, more and more people now have mental disorders. All in all, this state of affairs has led to an increase in family problems, some parents battering their children or wards to relieve their stress. The rapid economic development, aggravated by moral and ethical regression, has caused more and more cases of child cruelty. This is detrimental to children and youth and, ultimately, to society as a whole.

247. Child abuse is often committed by people in the same family or by employers if the child has started working. Abuse occurs physically, mentally and sexually. Some of the abused children eventually become disabled or even die. In 1987 there were 10 cases, in 1990 there were 17 deaths out of 41 cases. Over 80 per cent of the abusers were the child's own parents or adult family members who took care of them. These statistics cover only reported cases. It is assumed that there are a much larger number of abused children in the country whose cases go unrecorded. Many agencies are working towards solving this problem. Their efforts can be divided into two groups:

(a) Prevention. Children are protected by the legislative mechanism (details of which are covered in chapter IV, including investigation and interrogation procedures and prevention);

(b) Redress. When a child is abused or tortured, there are many organizations which provide assistance, both directly to the child in the form of treatment and rehabilitation and by prosecuting the offenders. These include the Department of Public Welfare, the Centre for the Protection of Children's Right of the Foundation for Children, the Emergency Home of the Association for the Promotion of Women's Status and the Home for Battered Women of the Foundation for Women.

248. Legal measures for the protection of children from abuse and family violence include:

(a) Section 398 of the Penal Code stipulates the penalty for an act of cruelty committed on a child under 15 years of age at a maximum of one month's imprisonment or a fine of not more than 1,000 baht;

(b) The Civil and Commercial Code states that in the case of a custodian or a guardian abusing his or her rights, the court may revoke those rights (sect. 1582). If the father or mother who is the child's custodian has been adjudged incompetent or quasi-incompetent by the court or abuses or ill-treats the child, the court may revoke part or all of the father or mother's custodial rights of its own accord or at the request of the minor's relatives or the prosecutor (sect. 1582, para. 1).

249. In cases of sexual misconduct, the Penal Code, part 2, title 9, has specific guidelines on child protection as follows:

(a) Section 277 states that a person having sexual intercourse with a girl below the age of 15 who is not his wife, with or without the girl's consent, is liable to 4 to 20 years' imprisonment and a fine of 8,000 to 40,000 baht. If the victim is less than 13 years old, the offender will face a prison term of between 7 and 20 years and a fine of 14,000 to 40,000 baht or life imprisonment. If the offender rapes the girl without her consent along with others or if the offender uses firearms or explosives, he will face a life sentence. If the victim is a girl between 13 and 15 years of age who has consented to the act and the couple are later given court permission to marry, the man will not face any punishment. If the offender is serving out a prison sentence on account of the offence at the time, he will be released if the court allows them to marry;

(b) Section 279 states that a person committing an indecent act on a child below the age of 15 with or without the child's consent is liable to a maximum of 3 years' imprisonment or a fine of not more than 20,000 baht or both. If the act is committed in conjunction with threats or physical violence while the child is in no position to resist the act or made to believe that the offender is someone else, the offender is liable to a maximum of 15 years' imprisonment or a fine of not more than 30,000 baht or both;

(c) Section 282 states that anyone acting to satisfy the sexual desires of others by procuring a woman or by pandering with or without the woman's consent is liable to 1 to 10 years' imprisonment and a fine of 2,000 to 20,000 baht. This is regardless of whether the offences are committed in the same or a different country. If the offence involves girls or women below the age of 18 years, the offender is liable to 3 to 15 years' imprisonment and a fine of 6,000 to 30,000 baht;

(d) Section 283 states that anyone acting to satisfy the sexual desires of others by procuring a woman or by pandering using ruses, threats, physical violence, unjust influence or any other means to compel the woman against her will is liable to 5 to 20 years' imprisonment and a fine of 10,000 to 40,000 baht, regardless of whether any part of the offence was committed in the same or a different country. If the offence involves girls or women below the age of 18 years, the offender is liable to 7 to 20 years' imprisonment and a fine of 14,000 to 40,000 baht or life imprisonment. If the offence is committed on a girl below the age of 15 years, the offender is liable to 10 to 20 years' imprisonment and a fine of between 20,000 to 40,000 baht or life imprisonment or capital punishment. However, if the offender is the guardian, regulator, protector or care-giver of the child in his or her official capacity, section 285 increases the punishment by one third.

Problems

250. Child cruelty and abuse cases are on the rise, borne out by media reports in all forms.

251. Data and statistics concerning children who are subjected to violence are not properly collected, presenting an obstacle to the operation and planning of programmes to protect their welfare. Despite many studies, the research findings have not been seriously applied in mapping out action plans for child protection and problem-solving.

252. There are budgetary and manpower constraints in assisting children who have been treated with cruelty.

253. Though the laws protect children from neglect, physical assault or cruelty, in practice if children are abused by their own parents, prosecution

will be hampered by customs and traditions, and many cases are not pursued to the very end. In addition, section 1567 (1) of the Civil and Commercial Code authorizes parents or legal guardians to punish their children to a reasonable extent for the purpose of admonition or instruction. However, the law does not go into detail on the type or extent of the punishment allowed and it is left to law enforcement officers to interpret the law, giving no one else any opportunity to enforce the law or to interpret it.

254. The role of government agencies in protecting children who have been tortured is still not clear. These agencies lack the authority to intervene in child abuse cases in the family and there are still no clear guidelines on social reintegration of tortured children.

Solutions

255. Laws should be amended to protect children's welfare when it has been established that they have been abused or ill-treated by their legal custodians before the custody is revoked - a process that lasts a long time. The following additions should be made:

(a) A provision should be adopted empowering competent officials who come across children whom they believe are being abused or ill-treated by their custodians to separate the child from the abusing family or custodians immediately. This is for the temporary safety of the child before court proceedings to revoke the custody start. The court is authorized to prohibit further abuses, while demanding a bond with security or sentencing the offender to imprisonment (additions to sect. 1582/1);

(b) A provision should be adopted that stipulates that when it becomes evident to the court that a husband who is being sued for a divorce has committed or is expected to commit assault or acts of cruelty on the wife and on minor children in the family, the court is authorized to order the police to arrest the husband and detain him. Besides, the wife may request the court to impose a restraining order on her husband or expel him from their house which is a marital property (sect. 1530 on temporary measures before a divorce verdict). Moreover, the court should use more substantive laws, giving them more active roles in the protection of children, such as exercising the authority to admonish and to put offenders on probation or to separate the children from their families.

256. The laws regarding child and youth welfare protection and safety should be made known to the general public, particularly the penalties involved and the effects torture has on children.

257. Workshops for social workers in public and private hospitals nationwide should be expanded to cover physical and mental rehabilitation of neglected or violently abused children, using research findings as guidelines.

258. Families, employers, teachers and instructors should be educated or trained about the proper ways to bring up or regulate the children under their control. A merit-based rather than an authoritarian system should be the norm.

259. A centre for emergency news and complaints of child abuse should be set up and empowered to provide preliminary assistance to tortured children.

260. A counselling centre should be set up to provide consultation to troubled families and to help children who are victims of violence.

4. Related concerns

261. Lack of a proper family environment, engendered by rapid economic development and urbanization, has caused children to be in especially difficult circumstances.

262. Street children. They are homeless children who stay temporarily or permanently in various public places such as markets, monasteries, bus stops and on the pavements. Street children are not found only in Bangkok and the resort city of Pattaya, but also in other big regional cities like Phuket, Songkhla, Hat Yai in the south, Chiang Mai in the north, Ubon Ratchathani, Udon Thani and Khon Kaen in the north-east, and Pathum Thani, Nakorn Pathom and Samutprakarn on the outskirts of Bangkok. They work only to survive to the next day by various means such as begging, washing dishes and rummaging through rubbish bins for bottles and scrap-iron to sell. The life of street children is a life without opportunities for any kind of development. They are at high risk of being enticed into committing wrongdoing such as becoming drug addicts or burglars or being exploited by the criminal systems. Based on statistics of street children, the Department of Public Welfare reported that 824 street children were provided shelter in 1991. In 1993, according to a study of Bangkok Metropolitan Administration, there were 362 street children between the ages of 11 and 15 in Bangkok. The Foundation for the Better Life of Children indicated that in 1994 there were 13,322 street children in the country.

263. Children turn to this lifestyle for various reasons. Families and parents sometimes cause the child to run away from home and become street children because of the following:

(a) Broken families due to divorce, or continuous arguments between parents, or the death of parents leave the child orphaned and often with an inferiority complex. Some parents remarry and the child does not get along with its new step-parent, making the child feel frustrated with life at home;

(b) Parents bring up their children improperly and do not fulfil their parental roles. For instance, they may be too strict with their children and mete out harsh punishments or, on the other hand, neglect them. This category also includes problem parents who gamble, drink or depend on drugs;

(c) The economic status of the family deprives children of development opportunities. Many of these children go out with delinquent friends and are easily enticed into misconduct.

264. Problems stemming from the child are:

(a) Children are at an age when they want to have fun, be free to go out with their friends to see and try new and exciting things while being rather attached to their friends;

(b) Some children have problems with their family and cannot get along with their parents and siblings. These problem children often seek affection and understanding outside of the home;

(c) Unintelligent children who have slow physical and mental development often exhibit deviant behaviour. They do not want to study, are lazy and have limited intellectual capacity to understand and solve problems. These children are easy prey to ill-intentioned elements who want to mislead them.

265. Reasons from society, the environment and culture that entice and arouse children to leave home include:

(a) The city life which is flashy and materialistic. Red-light districts, shopping complexes, skating rinks and video games all appeal to the child's curiosity. The same goes for tourist spots like Pattaya and Hat Yai where children can make easy money by begging, selling trinkets, shoe-shining or selling sex services. It is worth noting that the problem of street children increases in its severity during the holiday seasons;

(b) Rural people migrate to big cities in search of employment. Being unable to find any employment and permanent housing, these people wander from place to place and their children with them. The children are then neglected or become lost, ending up on the streets.

(c) The media can influence many children to emulate their idols, many of whom lead a flamboyant and luxury lifestyle. When their families cannot support their extravagant habits, they often leave home to follow their dreams on their own or are sometimes misled by their friends.

266. The government agency looking after street children (2,051 in Bangkok in 1992) is the Department of Public Welfare which runs 29 remand homes throughout the country and another two child welfare protection homes. However, there are only five homes dedicated to street children, three of them being remand homes while the remaining two are child welfare protection homes. The private sector offers assistance through the Foundation for the Better Life of Children, projects for street children and youths orchestrated by the Catholic Council of Thailand for Development and a project on sharing love with street children by the Kuakun Group (or Assistance with Love), among others. There is another joint effort between the public and private sectors: the Ban Aromdee Home for Street Children (or Goodnatured Home) at Pattaya which is part of an action research on Pattaya street children conducted by the National Youth Bureau. It is evident that services provided by both the governmental and non-govermental organizations are inadequate to respond to the street children's many needs.

Problems

267. Work aimed at helping street children undertaken by both the public and private sectors faces many problems that prevent the services from reaching those who need them most. This is because:

(a) There are insufficient numbers of personnel when compared with the number of children needing assistance. They are often under stress and this directly affects their young charges. Many of the personnel actually have negative attitudes towards street children. Many do not know proper child psychology and unintentionally bore the children or inhibit their development. Besides, neither governmental agencies nor NGOs can provide guarantees or incentives to attract these people to work for them permanently;

(b) There are insufficient funds, equipment and space to organize activities. This situation directly undermines the expansion of services;

(c) The problem of coexistence among children of different age groups, different family backgrounds and different levels of education and capability is a serious one. It causes rifts, bullying and physical harm which are most apparent in remand homes where the children are temporarily housed;

(d) The problem of work duplication and overlapping projects run by the Government and the private sector is caused by lack of clear coordination and a central coordinating agency to orchestrate government and private efforts;

(e) There is a lack of data and statistics and an independent information network on street children. Currently available data are dispersed and out of date while data collection is often not continuous.

Solutions

268. The family and the child must be educated to build positive attitudes. The family is the first unit of prevention. Parents must possess effective parenting skills, know the law, and how to adjust themselves to changing lifestyles. They should build good community relations and make no problems for the child to observe. Children must receive parental attention, both physically and psychologically. They must be instilled with good values and attitudes and encouraged to express their creativity. Street children should be taken care of by welfare homes which should have enough personnel to look after them properly. These street children should have a chance to meet other underprivileged children so that they will understand that they are not at the bottom of the social ladder, but that they may actually be of help to others.

269. The following operational measures should be taken by both governmental and non-governmental organizations:

(a) The State, the private sector and society should cooperate in preventing and solving the problem of street children;

(b) The Government must streamline its operation with less red tape and delay. Projects must be implemented consistently and continuously. Strict, swift punishments should be meted out to offenders such as negligent parents and illegal entertainment places;

(c) The private sector must play a more active role in cooperating with the Government and the general public in every possible way; for example, the media should help spread useful news;

(d) The State should give NGOs a chance to hold joint activities that necessitate coordination and division of work.

270. Children of construction workers. The recent rapid economic growth has brought with it a construction boom for office and residential buildings both in the cities (especially Bangkok) and industrial zones. Modern construction requires a large number of construction workers, both men and women, and projects often take longer than a year to complete. The Department of Public Welfare, the Department of Labour Protection and Welfare, the Ministry of Education, the Ministry of University Affairs, various foundations and NGOs organize the following to assist the children of construction workers:

(a) Provision of mobile day-care centres where children are helped to develop in all aspects;

(b) Some companies provide day-care facilities for their employees' children.

Problems

271. Many organizations neither understand nor appreciate the benefit that such programmes can give them.

272. Coordination between agencies is lacking.

273. There are insufficient financial resources to carry out the projects, follow up and coordinate the move of workers from one construction site to another.

274. There is a shortage of qualified personnel.

Solutions

275. There should be legislation guaranteeing the welfare of the children of construction workers as well as controlling the sanitation of the workers' temporary shelters on construction sites. The contractors should be forced to provide on-site day-care services for their workers' children.

276. Every organization concerned should be made aware of the importance of child development.

277. Parents should be made to recognize the importance of giving their children an education.

278 There should be more comprehensive data collection regarding children of construction workers.

E. Children in other types of care

General situation

279. Nowadays there are a large number of children who lack fathers, mothers or other kinds of guardianship for many reasons. These children include orphans, those who have been abandoned soon after birth, who have been given away by their guardians and street children. The State provides three different types of care for these children.

280. Foster care is conducted by the Public Welfare Department under its regulations issued in 1985. The Department seeks volunteer families that fit the criteria to take care of the children temporarily as foster families.

281. Foster family care is the first priority service to which children should be entitled, but many cannot find foster families as there were only 350 foster families registered with the Department of Public Welfare, while the Holt Sahathai Foundation could only accept 90 children into foster care in 1992.

282. Adoptive family care should be provided to children as quickly as possible so that they may be cared for permanently. However, not many children have this kind of opportunity. The Department of Public Welfare, the central body, placed only 669 children in adoptive families in 1992, while five authorized child welfare organizations, the Thai Red Cross Children's Home, Pattaya Children's Home Foundation, the Friend for All Children Foundation, the Holt Sahathai Foundation and the Emergency Home of the Association for the Promotion of Women's Status helped only 90 adoptive children between them in 1992.

283. Welfare child centres or children's homes, which in principle and according to government policy should be the final choice for child care, turn out to be the children's first option in practice. As a result, Government-run children's homes become overcrowded and face a severe lack of resources to properly distribute among the children. There are 24 boys' and girls' homes run by the Department of Public Welfare, while there are 14 non-governmental children's homes registered with the Department.

284. Apart from a number of Buddhist monasteries that serve as children's homes, such as the Sa Kaeo Monastery, the private sector offers a family-like form of care - the children's village. Children live in small groups of 10 under the same roof. The family environment is accentuated in the care-giver, attached to each house, being called "aunt" or "uncle". The children attend general/academic or vocational classes in the village where they are expected to remain permanently without being released to the care of their original or adoptive family. This form of care is provided by the Foundation for Children and the SOS Foundation of Thailand under the Royal Patronage of H.M. the Queen. The latter took care of 121 children in 1992.

Child adoption

285. In accordance with the Child Adoption Act of 1979, the adoption process in Thailand starts with the acceptance of a request by the Department of Public Welfare or the provincial public welfare office. Then a probationary adoption of not less than six months is carried out. The Child Adoption Board or its working group then considers the adoption and gives its approval to the prospective adoptive parents to register the adoption within six months from the day they are informed of the approval.

286. For intercountry adoption, when the applicant for adoption is a foreigner, he or she must first submit the application to the Government's public welfare agency or a child welfare body. When the documents are in order, the Child Adoption Centre will put the applicant's name on a waiting list. When a suitable child has been selected and the applicant informed of the child's background, the centre will submit a request to the Child Adoption Board and the Permanent Secretary for permission to adopt the child on a trial basis for a maximum of six months in a foreign country, following which the adoption can be formally registered. The Ministry of Foreign Affairs will be requested to carry out the registration of each adoption.

287. On monitoring and supervision during the six-month probation period in both situations, at least three reports must be filed. There will be no further follow-up checks after the child is formally registered as an adoptive child.

288. In Thai society, it is a fact that most of the children put up for adoption are orphans being cared for at children's homes or unwanted children born out of wedlock to single mothers. In the few cases where children are given up for adoption by a father or mother, the children are often adopted by their new stepfather or stepmother when their parents re-marry. Therefore this practice does not pose any serious problem. However, no follow-up reports are required in the cases where parents give their children up for adoption because of economic hardship or other reasons. It is because of this lack of feedback that there have not been any reports on problems from adoption cases.

Problems

289. Child-care services provided by both the public and private sectors are concentrated in the capital, Bangkok, and are therefore lacking in the rural areas.

290. Child-care personnel do not have sufficient knowledge or experience and sometimes carry out their work without true devotion. They usually know only the agencies in their own sector and, therefore, cannot coordinate effectively with other organizations.

291. There are problems in child adoption; for instance, the application for adoption involves several steps and regulations resulting in delay; the children's adoptive parents often do not cooperate in the follow-up activities because they fear the children will learn that they are adopted.

292. Thai society lacks appropriate measures to prevent child neglect resulting in children's homes becoming the first care option for neglected, abandoned and orphaned children, instead of being the last.

Solutions

293. Every effort should be made so that each and every child born is wanted by his or her parents. Campaigns should be conducted on family education for members of the general public who will then recognize the gravity of the problem and the need to prevent child neglect and abandonment and to promote a better family life for the children.

294. The Government should encourage people in communities to participate as volunteers in child-care organizations.

295. Laws and regulations should be revised so that children can express their viewpoints on the decision for adoption. This would mean amendments and additions to section 1564 to the effect that when a child is old and mature enough, the parents must take into account the child's viewpoint when making decisions on the child's private affairs; section 1563 should be amended so that when a child is 12 years of age, the child's parents must allow the child to express his or her opinion before deciding on the child's private affairs as well as the private affairs of the parents themselves with whom the child lives. When the child reaches 15, he or she has the right to make decisions on educational options, to join and leave clubs or associations as he or she wishes. The parents must gradually grant the child his or her right to decision-making until the child attains majority.

F. Children with disabilities

General situation

296. In 1991, the National Statistical Office estimated that there were 1,057,000 disabled persons throughout Thailand, of whom 281,162 were children with disabilities. In addition, the Council of Disabled People of Thailand stated that there were 7,240 disabled children educated in 1993.

297. The Government has the following policies regarding disabled children.

298. Article 69 of the Thai Constitution of 1991 states that the State should support and promote the development of its citizens, especially children and youth, so that they are well developed physically, mentally, intellectually, ethically and morally.

299. The Rehabilitation of the Disabled Act of 1991 is the principal law supporting and promoting the opportunities of the disabled so that they may lead a normal life, have a career and participate in social functions like normal people. The disabled are to be provided with welfare protection, development and rehabilitation including medical treatment, education, social and vocational rehabilitation and training.

300. Revolutionary Party Announcement No. 294 (27 November 1972) gives protection to disabled children who beg by having them sent to disabled children's homes.

301. The National Youth Policy of 1979 is aimed at protecting special groups of children, such as the disabled.

302. The National Child and Youth Development Plan under the Seventh National Economic and Social Development Plan (1992-1996) categorizes disabled children as a special target group of children and youth whom the Government should strive to protect, rehabilitate and develop with a better quality of life as its goal.

303. The policy of the Ministry of Labour and Social Welfare defines disabled children as being disadvantaged but capable of being self-reliant, of leading a decent life and of peaceful coexistence in society.

304. The regulations of the Department of Public Welfare concerning children in families of 1986 states that the Government has to provide certain services to disabled children living in a family so that they may be treated with affection and understanding by family members who have the responsibility for their upbringing and development.

305. Currently, both governmental and non-governmental organizations are joining forces to assist disabled children under several projects, including the projects on rehabilitation of disabled persons, educational development, occupational training, and recreation. In 1990, a survey of children under 6 showed that there were 1,078 visually, aurally and mentally disabled children.

Problems

306. Disabled children face the following problems that need to be addressed:

(a) Treatment and rehabilitation. The cost of rehabilitation and treatment of the disabled can be prohibitive. Since some of the necessary equipment and materials have to be imported at great expense, poor parents cannot afford the services. The State does not have enough qualified personnel to provide care for the disabled, and the coverage of this service is neither nationwide nor adequately funded;

(b) Educational services. Although the State has expanded its educational services to cover all types of disabilities, the majority of disabled children have no access to these special schools. Some of them manage to join classes in regular schools under mainstreaming programmes but not many regular schools wish to admit disabled children to their classes owing to the administrators' and staff's attitudes, lack of necessary special education equipment and teachers to provide supplementary classes for the disabled. The State, besides, offers no pre-school classes for the disabled (of whom only 1 per cent are prepared by NGOs), nor provides any guidelines on early intervention services;

(c) Employment and career opportunities. Vocational training that is being provided to disabled children is limited in terms of variety, the level of disability it is suited to, the teachers' competency, and training equipment and materials. While disabled children are not welcome to join regular training in vocational or technical schools, or lack the necessary resources to pay for the courses, the type of training to which they have access is not demanded by the labour market. As a result, their career opportunities are not wide.

(d) Social integration. Most people, even members of their own families, have not been educated in the needs of the disabled and how to render them proper assistance. Some handicapped children have been too sheltered by the family so that they grow up helpless, while others have been left to their own devices and become a burden to society. The State has not sufficiently recognized the rights of the disabled for it gives no support to the construction of needed public facilities, nor to recreational and other social sites and activities - all the factors that facilitate social participation and integration of the disabled.

Solutions

307. Parents and concerned parties should be educated and informed about different types of disabilities and their prevention. They should learn about treatment and necessary stimuli that promote the disabled child's abilities.

308. There should be legislation ensuring that all disabled children have access to compulsory education like normal children do.

309. Quality services should be provided to all disabled children. This would entail the training of personnel as well as the provision of needed materials and equipment.

310. Thailand has no legislation that deals directly with disabled children. There are relevant provisions in the Rehabilitation of the Disabled Act of 1991 which concern disabled people of all ages and which was issued before Thailand became a signatory to the Convention on the Rights of the Child. The Act is aimed at helping and supporting the disabled to lead a normal life, to have a career and to be active members of society. It defines an organization which is directly responsible for all disabled persons, including disabled children. It promotes occupational training, sets up a fund for disabled rehabilitation and provides the disabled with services and facilities at various sites and locations. It also requires that employers employ a suitable number of disabled personnel. The Act also appoints a National Committee on Rehabilitation of Disabled Persons that has the authority to appoint subcommittees which are required to have among their members officially registered disabled persons (sect. 5).

311. In order that this law may be effectively enforced, the National Committee on Rehabilitation of Disabled Persons has already submitted a proposal for the issuance of several ministerial regulations, with the support of the Council of Disabled People of Thailand and other government agencies such as the Ministry of Public Health, and the Ministry of Labour and Social Welfare. They have proposed the following ministerial regulations:

(a) The authorities are authorized to issue ministerial regulations in support of this Act;

(b) The authority should issue a ministerial regulation requiring private enterprises and businesses to employ at least 1 disabled person for every 200 employees. However, the regulation would cover only the private sector, and the government sector would need to amend the regulations of the Civil Service Commission to comply with the principle. If any private business failed to employ the required number of disabled people, they would have to contribute at least half the minimum wage of each required disabled employee to the Disabled Rehabilitation Fund as stipulated by section 17 of the Act;

(c) The authority should issue a ministerial regulation about the different types and nature of disabilities which may be used as a guideline on the registration of the disabled;

(d) The authority should issue ministerial regulations providing free services and health care to the disabled;

(e) The authority should issue regulations regarding the environment and public places requiring some of them to provide facilities for the disabled.

VI. BASIC HEALTH AND WELFARE SERVICES

General situation

312. Public health services have direct effects on the health and hygiene of the population. Being fully cognizant of this fact, the State has consistently provided a wide range of health services to the people.

313. From data provided by the Ministry of Public Health in 1990, the Government that year allocated a budget of 42,506.9 million baht to provide public health services and amenities, representing 12.7 per cent of the national budget of 335,000 million baht. Budget expenditure covered public health services, social assistance and welfare and other social services. Over 40 per cent of the budget went to the Ministry of Public Health (16,225 million baht) which is the principal government agency in charge of providing medical and health services. The Ministry in turn allocated 9,339.21, 1,855.44 and 2,207.08 million baht to medical services, health promotion and disease control and prevention respectively, representing 57.56, 11.44 and 13.60 per cent of the Ministry's budget. Information from the Workshop on Transformation of the National Child and Youth Development Plan in accordance with the Seventh National Economic and Social Development Plan (1992-1996) held in November 1992 shows that various agencies concerned with health care have allocated 329,954.2 million baht towards health promotion activities for the five-year period of the Plan, or an average of 6,599 million baht per year.

314. In the provision of medical and public health services, the following target groups have been identified: men, women, those in their reproductive years, pregnant women, mother and child, children, various groups of

disadvantaged children and the urban and rural poor. The Ministry of Public Health has in place the following measures to ensure that all parties, especially the children, enjoy good health.

315. Expansion of health services involves increasing access to health services among the target groups both in urban and rural areas through projects and activities, including the adoption of a system of health insurance cards, a welfare project for low-income groups and provision of basic public health services for all.

316. On the supply side of health care, however, there is a shortage of medical and public health personnel. Data from the Ministry of Public Health in 1991 showed that there were an insufficient number of hospitals to care for patients. In that year there were 774 hospitals run by the State, State enterprises or municipalities, 209 private hospitals, 58 public health centres and 13,415 private clinics. In the provinces, the Ministry of Public Health ran 17 central hospitals, 69 general hospitals, 572 community hospitals, 23 branch hospitals, 7,911 health centres and 419 community public health centres.

317. Basic public health services are aimed at extending basic health care to remote rural areas. Community members are encouraged to participate in providing health care to their own community thereby solving the problem of personnel shortage. Select community members have been trained to serve as Village Health Volunteers and Village Health Communicators. Their work involves giving advice, looking after people's health as well as providing first aid to community members. Up to 1990, 606,804 Village Health Communicators and 63,950 Village Health Volunteers had been trained to serve their communities so that the inhabitants of remote rural areas of the country would all have access to basic health-care services.

318. Statistics on the problem of malnutrition among children from the Department of Health show that cases of malnutrition among children aged between 0 and 60 months exist in all parts of the country. However, the general trend is that the number of nutrient-deficiency cases is declining. In 1986, 73.93 per cent of infants and pre-school children did not suffer from malnutrition, leaving 22.69, 3.24 and 0.13 per cent of young children in the same age group being affected by first, second and third degree malnutrition respectively. In 1992, these figures went down to 14.75, 0.70 and 0.01 per cent, respectively. When considered by geographical region, the north-east had the largest number of severe malnutrition cases of this age group at 33.02 per cent in 1986, reduced to 24.59 per cent in 1990. As for the 6-14 age group, 15.09 per cent suffered from severe malnutrition in 1986 and 14.86 per cent in 1991.

319. Many measures have been launched to mitigate the prevalence of malnutrition. These include surveillance and monitoring of nutrition in children under 5, supplementary food projects, school lunch projects for primary school children and promotion of nutritional knowledge among children under 5, their mothers or child attendants.

320. The target groups of family planning services are married couples and male and female youths in their reproductive years. The Ministry of Public

Health and many NGOs concerned with family planning have implemented a number of measures to promote and expand family planning services. These include expanding access to family planning services in different geographical areas so as to reach the intended individuals and education and training programmes for couples to make them understand how to choose birth-control methods, how to space their child-bearing as well as the disadvantages of having too many children. Officials concerned undergo training so that they may have the required expertise and experience to perform their job effectively.

321. These measures of family planning have benefited couples and youths in their reproductive years who are now able to plan their child-bearing as appropriate and to take better care of their own health, both physical and mental, by planning when they want to have a child so they will not have to take care of more children than they are capable of. The children born to these well-prepared families will in turn be brought up and developed in all aspects.

322. In lowering the infant mortality rate (2.1 per 1,000 births in 1991), the Ministry of Public Health has focused its efforts on improving the health of mother and child which directly affects the health of a child up to 5 years old. Proper antenatal and postnatal care would help lower the mortality rate of both newborn infants and their mothers. The following steps have been taken:

(a) Providing education on health and hygiene, counselling and health-care services to pregnant women;

(b) Providing at least four antenatal check-ups to the mother by public health officials or trained traditional birth attendants or midwives;

(c) Providing delivery services to be conducted by professional medical personnel, public health workers or properly trained traditional birth attendants or midwives;

(d) Providing at least four postnatal check-ups within six weeks by public health officials or by trained traditional birth attendants or midwives;

(e) Immunizing the newborn child;

(f) Disseminating information on proper child care, prevention of diseases, health and hygiene to both parents and the new mother in particular.

323. The importance of the mother's health for the child's health and future development has led to antenatal and postnatal measures developed and put in place by the Ministry of Public Health. Some of these measures have already been mentioned above in connection with infant mortality rate; additional ones are listed below:

(a) Promoting immunity in all pregnant women by necessary vaccination;

(b) Encouraging the use of health records for mother and child.

324. Providing professional and safe delivery services by medical and public health personnel and trained traditional midwives is a measure that can help reduce the number of maternal deaths caused by pregnancy and childbirth. The Seventh National Economic and Social Development Plan has set a target of having 90 per cent of babies delivered by public health officials. As a result of an active promotional campaign, the number of such professional deliveries reached 74.8 per cent in 1993.

325. The development of public health over the past few years has helped improve the standards of health of the general public. Even so, there are still problems regarding child health. Large numbers of children still face high incidence of fatal illnesses such as terminal tetanus that inflicts newborn infants owing to inadequate antenatal, postnatal and delivery care of the mother. Immunization programmes for children have been satisfactory but their coverage can be improved since many children are falling ill and dying of preventable diseases among which tetanus and measles have the highest incidence rates. Others include respiratory diseases (pneumonia and the common cold), gastroenteric diseases (diarrhoea, dysentery and cholera) and dengue haemorrhagic fever, among others. A new disease which will undoubtedly cause many more deaths among children in the near future is acquired immune deficiency syndrome (AIDS).

326. The AIDS situation in Thailand. According to official reports of full-blown AIDS and AIDS-related victims in the early years of 1984-1987, there were no AIDS cases among children below the age of 15. The first two children diagnosed with AIDS appeared in 1988, both of whom had contracted the virus from their mothers. Since then, the number of children infected with AIDS has increased, along with the number of AIDS-related cases, at an alarming rate. The latest figures as of September 1993 put the official cumulative number of children with AIDS in Thailand at 406, of whom 141 (or 24.7 per cent) have since died.

327. Of the total number of children with AIDS, 345 (or 84.9 per cent) were infants who contracted the virus from their AIDS-infected mothers; 20 boys (4.9 per cent) and 27 girls (6.6 per cent) contracted the virus from heterosexual intercourse; seven cases (1.7 per cent) contracted the virus from HIV-contaminated blood transfusions. A surveillance programme was launched in 1989 to keep track of the spread of AIDS among different population groups. There have been localized surveys conducted in June and December of each year. The results show that the number of HIV-infected pregnant women who visited hospitals for check-ups had increased nationwide from 0 per cent in 1989-1991 to 1 per cent in 1992. These figures, when interpreted along with approximately 1 million births per year, could predict that from 1992 onward there would be about 10,000 children born to AIDS-infected mothers. Of these, about 30 per cent or 3,000 would themselves be infected with AIDS and would eventually fall ill and die. Of the remaining 7,000, many would become orphans as their parents would fall ill and die within 5 to 10 years. These figures will increase every year unless effective measures are found to prevent more men and women from contracting the virus.

328. As for the care for AIDS patients, Thai society still has a general feeling of apprehension towards HIV infection. Those people who are close to children of AIDS victims or HIV-infected children and members of the same

community often shun and steer clear of them. The fear of AIDS causes a negative attitude or divisive reaction and discriminating behaviour against children in AIDS-infected families, even though the children may be AIDS-free themselves. Consequently, they do not receive proper care and attention, be it from medical personnel, social workers, community members or even their close relatives. Because of this, relevant government agencies and NGOs have tried to provide medical treatment and social services for AIDS victims and their families so that these people may be treated and cared for while remaining in society.

329. In the prevention of AIDS in children and their parents governmental and governmental and non-governmental organizations concerned have put in place the following measures:

(a) Expanding blood testing and premarital counselling services;

(b) Promoting AIDS education among parents and would-be parents to prevent them from contracting the virus;

(c) Expanding medical and social services for children infected with AIDS so that they may live a normal life in society and not spread the virus to others;

(d) Disseminating knowledge and understanding of the reality of AIDS among children and youths both inside and outside the formal education system so that they may know how to protect themselves from the infection;

(e) Revising and amending laws on prostitution, making them more appropriate and enforceable. Service and entertainment places are controlled so that they do not become the source of AIDS infection;

(f) Studying the implications of AIDS for child rights issues and recommending legal and social measures to protect the rights of children affected by AIDS and to provide welfare to families of AIDS victims;

(g) Conducting a pilot project on community-based AIDS prevention and care using local youths as catalysts. The project helps prepare the community to live with AIDS and to be able to assist the victims, especially the children. Documentation of the entire process is being undertaken and guidelines will be developed for the replication of the project nationwide.

330. The issue of welfare services for the general public has received serious attention from the Government in the light of rapid socio-economic development. The Government considers it necessary to create a safety net for employees and other individuals, leading to the adoption of the Social Security Act of 1990 which establishes a social security fund to assist employees and other people who have been taken ill, become disabled or died from reasons unrelated to their employment. The fund also covers child delivery, child care, old age and unemployment. The State, employers and employees, all participants in the project, have to contribute to the fund at a certain rate. The employees, or the "insured", will then receive the following benefits from the fund:

(a) In case of bodily harm or illness, they will receive compensation for the pay they would normally receive in addition to medical expenses;

(b) For childbirth, they will receive compensation for the pay they would normally receive in addition to medical expenses;

(c) In case of disability, they will receive compensatory payment and medical expenses;

(d) In case of death, they will receive compensation for their funeral expenses;

(e) For child support, they will receive child support for not more than two children. The funds received cover child care and maintenance, school fees, sickness benefits, and other necessary expenses;

(f) In case of old age, they will receive monetary compensation;

(g) Unemployment benefits.

331. The social security system itself does not directly benefit children, but they receive due benefits as a result of their parents being insured by the system. The child is guaranteed proper care during the mother's pregnancy and after birth. The child is to be properly brought up and allowed to develop in a manner consistent with his or her age as its parents will receive funds for the child's birth, care and maintenance, education, medical expenses and other expenses deemed necessary.

332. Data collection on child health and nutrition has been carried out by the Ministry of Public Health by compiling reports from the Ministry's field personnel and from surveillance and observation. These two data sources have resulted in a great many data, some of which are of poor quality and have limited use. Many of the data collected are not necessary for use or are utterly useless. Data collection in this area has not been carried out systematically, resulting in different target age groups for different collections. Criteria used are often below international standards.

Problems

333. Though the State has a policy of providing universal health care for all groups of people in every part of the country, these services are still inaccessible to certain disadvantaged groups, including the poor, underprivileged children, slum dwellers, minority groups, refugees and those living in remote rural areas. This is partially due to financial constraints. The State lacks sufficient funds and medical and public health personnel to expand its operation.

334. In promoting people's good health, the State gives less support to health care and prevention than to medical services. A large proportion of the budget is thus wasted in caring for patients whose illness could have been inexpensively prevented in the first place. Over 50 per cent of the Ministry of Public Health's budget covering the period 1987-1990 was allocated to

medical services. The Government could save a large amount of financial resources each year if more emphasis were placed on prevention and health care.

335. The number of HIV-infected people and full-blown AIDS patients, is on the rise every year. However, there are limited treatments and services which are accessible to these people, both in terms of hospital beds and personnel needed to care for the ever-increasing number of AIDS patients. Another problem is that AIDS patients are often discriminated against, which means that they do not receive the care they need both from medical personnel and society as a whole.

336. Unsystematic data collection results in poor health statistics. There are too many data, of which some are of low quality and others of limited use. Many of the data collected are not necessary. The guidelines used in data collection also differ from agency to agency such as the differing age groups used. There is unevenness in different data and the standards used in data collection are lower than international ones.

337. The State has not yet provided welfare services to all people. This is especially true of underprivileged children in slums and in rural areas, who do not receive the services to which they are entitled and consequently fail to achieve their full potential.

338. Medical service centres and personnel are limited and insufficient to care for the general public. Though the doctor-patient ratio has decreased every year from 1988-1992 (i.e. 1:4,831, 4,361, 4,500, 4,425 and 4,295), it is still not low enough. This is because of the cost involved in producing medical personnel.

Solutions

339. The State must expand its health-care services to cover all people in all areas. As for the rural areas, the State should step up its efforts to encourage more family and community self-care by offering more Village Health Volunteers and Village Health Communicators training courses.

340. The State should step up the implementation of all projects to reduce the number of AIDS victims and HIV-infected people. If the State is unable to stem the spread of the disease, in the next 5 to 10 years the AIDS problem, along with the problem of AIDS children and orphans, will increase dramatically. This will impose a great burden upon the State in terms of medical and social services and in maintaining their social situation.

341. The agencies involved in producing doctors and health officials should step up their production and develop the quality of existing personnel.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education

General Situation

342. Education for Thai children and youth is neither equal nor balanced in terms of opportunity and quality. In 1992, only 39.2 per cent of the 3-5 age group received some forms of pre-school education while 92.58 per cent of the 6-11 age group received their compulsory primary education. Most of the children who had no access to schooling were living in remote rural areas, children of poor families, children living in slums, children living in areas that have a different language and culture, children of ethnic minorities such as hill-tribe children and island children or other underprivileged groups. In 1992, it was found that the enrolment ratio of the 12-14 age group at lower secondary level was 46.82 per cent while the enrolment ratio of the 15-17 age group at the upper secondary level was only 25.29 per cent. In the 1992 academic year, it was also discovered that only 61.62 per cent of primary school graduates continued their studies to the secondary level.

343. Thailand's education budget is rather limited. The 1993 fiscal year saw the Government allocating a mere 19.6 per cent of the national budget to education. The amount going to pre-school and primary education was a mere 9.5 per cent of the national budget.

Problems

344. The State does not have sufficient pre-school services in the form of child development centres or kindergarten to cover the age group nationwide.

345. A number of primary school students have to drop out of the system because their help is needed by their parents who work in the agricultural sector or else they have to move with their parents to the cities in search of employment.

346. Primary school graduates who have completed their six-year compulsory education and are too poor to further their education to the secondary level have to enter the labour market as unskilled labourers in the industrial and agricultural sectors.

347. Poor parents living in remote rural areas cannot send their children to attend compulsory classes. The State has not been able to give full support to these marginal groups in terms of school materials, uniforms and travelling expenses.

Solutions

348. Pre-school classes, child development centres and kindergartens should be established or expanded. Community participation in educational organizations should be encouraged and promoted through incentives.

349. Public relations campaigns should be conducted to raise public awareness of the importance of further education, at least up to secondary level.

350. Formal and non-formal educational services should be expanded to achieve national coverage, in particular by using advanced technology to reach remote groups.

351. More donations and assistance to poor students in all forms should be encouraged, for example, scholarships enabling them to continue their studies.

352. Educational management and appropriate forms of educational organization should be developed at all levels, in keeping with local customs. Educational personnel should be regularly recycled through in-service courses and study visits so that they can keep up with the latest trends in educational concepts and technology.

353. The development of education for girls should be promoted. This should include education for nuns.

354. Non-formal education for disabled children and diverse forms of education for children in difficulties should be promoted.

B. Leisure time

General situation

355. There has been some research into the use of leisure time among in-school and out-of-school children and youth in Thailand. The following differences have been noted.

356. Most children and youths in school use their free time as follows: they use their lunch break to catch up on their work, read books in the library, talk with friends, watch their friends play, play sports or simply play. When they return home, their activities include homework, housework, watching television, reading books, playing sports, listening to the radio and tapes, talking and pursuing their hobbies.

357. Most children and youths outside the school system who are employed use their leisure to continue with their work, do housework, read, listen to the radio and tapes, watch television, take a stroll, go shopping, lie around or do nothing at all.

358. Most children and youths outside the school system who are unemployed use their leisure for housework, listening to the radio and tapes, watching television, chatting, playing sports, exercise, reading, finding part-time jobs and simply doing nothing.

Problems

359. Children and youth neither form a cohesive group, nor do they found their own organizations. This implies that the whole concept of groups and clubs is not popular among Thai children and youth.

360. The activities undertaken by children and youth are rather limited in scope, to say the least. They are confined to homework, housework, watching television, listening to the radio and tapes, reading, chatting, sports,

part-time jobs, hobbies, strolls, special tuition and other miscellaneous activities such as sitting around, lying around, doing nothing and, of course, going shopping. These are considered insufficient to develop the child in terms of intellect, knowledge, ability, personality and skills. This is probably due to a lack of activities, counselling and development promotion services.

361. The way out-of-school and unemployed children and youth use their leisure can be considered a problem. They waste their time, having neither direction nor systems for the constructive use of their time.

Solutions

362. More attention should be paid to out-of-school and unemployed children and youth. Cooperation should be sought from both governmental and non-governmental organizations in arranging activities for children. There should be special plans and projects to provide direct services to these children and youth and to generate activities that truly have beneficial effects on their development.

363. Additional services and activities should be offered to children and youth so that they may have a larger and more varied choice to choose from. These services should take into account activities that develop children and youth in terms of health, intellect, economic and social standing, and moral, cultural and political considerations on an equal basis. They could include activities to promote their personality, initiative, skills or artistic talents.

364. The use of centres and groups should be promoted for maximum benefit. The number of groups, clubs or centres should be increased as the group process can be used as an effective means to introduce development activities to children and youth.

365. Youth centres should be set up in all major cities and in the rural areas. They should be easily accessible and of a high quality. These centres could then be used as recreational facilities, social centres and a source of knowledge and skills. They could effectively help promote jobs and develop the quality and personality of the youth.

C. Cultural activities

General situation

366. Government policy includes clauses on cultural activities. It states, "Encourage the general public, organizations, various institutions and communities to join in the preservation, promotion and dissemination of Thai culture ...". Cultural affairs have been included in the Seventh National Economic and Social Development Plan (1992-1996) in a much clearer fashion than in previous plans.

Problems

367. The traditional Thai family and community lifestyle has been affected by the unrelenting drive towards economic prosperity. The institution of family and community now lacks strength and stability. Family and community ties and relationship are neglected. Members do not understand their roles and duties. Culture, the root of family and community stability, is no longer passed on.

368. Moral and ethical values which have long been the guiding principles of society are now being overlooked. The drive for materialistic success of the people in today's society is the reason for desires, egotism, and neglect of traditional values. The way of life has therefore deteriorated and physical violence becomes more common, for instance, many parents sell their daughters into prostitution and many girls willingly become prostitutes to "repay" their debts of gratitude to their parents. Moral and ethical standards have declined to the extent that today there is little professional honesty; employers take advantage of their labourers; foods and drugs are contaminated; trade is full of treachery and cheating, and politics is full of corruption.

369. Thai arts as expressed in literature and the visual and performing arts do not receive the attention and support they deserve. They are not nurtured in children and youth and handed down from generation to generation systematically. Children and youth are unable to appreciate the essential value of Thai arts, such as traditional Thai songs, games and music. Instead they quickly take up the flashy arts of imported culture.

370. The money-hungry tourism industry has brought the problem of cultural pollution. The way of life in communities has changed too fast, resulting in crime, drug abuse, prostitution and the rapid spread of AIDS.

371. The development of Thailand has mainly been in materialistic terms. There has been little spiritual development and many Thais have succumbed to materialism, resulting in an imbalance both individually and in society as a whole. Communities grow weak and finally disperse, while life in the new social order is far from being a peaceful one.

Solutions

372. The Government declared 1994 as Thai Cultural Promotion Year, with the objective of supporting and promoting the Government's cultural policies. It is hoped that children and the general public will understand the importance of culture, religion and the monarchy, so that they will feel a desire to participate in cultural activities. The following steps have been taken:

(a) Promoting and disseminating an understanding of the essence of Thai culture in all its important aspects, both in the public and private sectors and among the people;

(b) Urging cooperation in organizing culturally creative activities;

(c) Producing supplementary instructional materials and manuals on culture for formal and non-formal education as well as promoting their extensive use;

(d) Strengthening the capacity and efficiency of organizations and individuals to play a larger role in organizing Thai cultural activities;

(e) Promoting cooperation among individuals and organizations in a cultural network;

(f) Strengthening the role of the Office of the National Culture Commission as the central agency in the promotion of Thai culture between 1994-1997;

(g) Setting up committees and subcommittees to be responsible for the Thai culture promotional campaigns, conducting public relations, developing activities, producing supplementary instructional materials and manuals on Thai culture, coordinating with governmental and non-governmental organizations;

(h) Creating incentives and honorary awards for individuals or organizations which hold successful public promoting Thai culture;

(i) Defining the scope of and issues surrounding critical cultural problems as a framework for campaign activities to be undertaken by the public and private sectors and the general public;

(j) Coordinating work, projects and activities which are organized by the public and private sectors and individuals so that regular Thai cultural activities can be held in a manner that suits the organizers;

(k) Holding or operating activities concerning the tourism industry while taking into account the importance of Thai culture when considering economic returns;

(l) Organizing development activities or conducting businesses by always weighing economic returns against cultural losses.

VIII. SPECIAL PROTECTION MEASURES

A. Children in emergency situations

1. Armed conflicts: Refugee children and children of displaced persons

General situation

373. There is no armed conflict on Thai territory. However, neighbouring countries, including Cambodia, the Lao People's Democratic Republic, Viet Nam and Myanmar have, at some stage, witnessed armed conflicts during the past half a century. These armed conflicts were compounded by political instability and economic deprivation which led to massive influxes of persons, including children, into Thailand.

374. From the 1950s to the 1980s, the influxes of displaced persons and asylumseekers, including children from Viet Nam, the Lao People's Democratic Republic and Cambodia, constituted a major problem for Thailand.

Nevertheless, to a large extent, the problem concerning these groups has been largely solved. At present, all Cambodian displaced persons and their accompanying children have returned to Cambodia under the Thai-Cambodian-UNHCR tripartite Memorandum of Understanding of 1991. As regards the Vietnamese and the Lao, there are still some 5,190 Vietnamese and 7,214 Lao non-adopted refugees remaining in Thailand, pending repatriation to their countries of origin under the Comprehensive Plan of Action adopted at the International Conference on Indo-Chinese Refugees in Geneva in 1989 and the subsequent Thai-Lao-UNHCR Tripartite Agreement in late 1989.

375. The available statistics on children up to the age of 15 belonging to these groups are as follows:

	Girls	Boys	Total
Lao	997	1 206	2 203 (as of 31/1/96)
Vietnamese	628	739	1 367 (as of 11/12/95)

376. By the mid-1990s, people from Myanmar had become the major group of displaced persons in Thailand. At present, there are some 93,000 of them, according to NGO estimates, being sheltered along the Thai-Myanmar border areas in Mae Hong Son, Tak, Kanchanaburi and Ranong provinces of Thailand. The available statistics on children from Myanmar under the age of 15 accompanying their parents are some 39,000 as of February 1996. It is noted that this figure includes 54 children staying at the Safe Area in Ratchaburi province of Thailand.

377. There is also a small group of asylum seekers from other countries such as Afghanistan, the Islamic Republic of Iran and Sri Lanka, numbering 160 persons including some children under the age of 18. They are cared for and assisted by UNHCR as "persons of concern" while in Thailand pending repatriation or other durable solutions.

378. Although most asylum seekers and displaced persons, especially those from Viet Nam, the Lao People's Democratic Republic and Myanmar, are legally classified by Thailand as "illegal immigrants", their conditions have been alleviated by the Thai government policy which not only waives legal action against them but also accords them temporary refuge. However, the policy concerning different groups of asylum seekers and displaced persons varies according to each group. The Lao and the Vietnamese are covered by a special arrangement under the Comprehensive Plan of Action adopted at the International Conference on Indo-Chinese Refugees in Geneva in 1989. According to the Comprehensive Plan of Action, those who are determined to be refugees under the criteria of the 1951 Geneva Convention are eligible for third-country resettlement, whereas those who are determined to be non-refugees will be repatriated to their countries of origin. Under the Plan, unaccompanied minors are also given special treatment. Instead of being subject to the normal refugee status determination procedure, these unaccompanied minors have been carefully handled by a Special Committee on

Unaccompanied Minors in order to arrive at the durable solution most in accordance with the principle of the "best interest of the child" and/or "family unity".

379. Whilst there is no such agreement or arrangement for the people from Myanmar, including their accompanying children, who fled internal armed conflicts, they have been given temporary refuge for humanitarian reasons pending their safe return to Myanmar when normalcy is restored.

380. Despite the fact that Thailand is not a signatory to the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967, Thailand's policy and practice abide by many of the principles enshrined in the Refugee Convention and Protocol. The present Government does not, in practice, favour forced return of asylum seekers and displaced persons fleeing armed conflicts. Instead, to alleviate the plight of these persons, including children, the Government has taken a humanitarian approach and granted them temporary refuge pending durable solutions, which include their return to their countries of origin in safety and with dignity, and third-country resettlement if they are determined to be refugees in accordance with the refugee definition stipulated in the 1951 Convention. UNHCR has also been given access to all groups of displaced persons, although there is more direct presence of UNHCR in regard to the Vietnamese and Lao.

381. In caring for displaced children in mass influx situations in particular, the Thai Government provides protection and humanitarian assistance, namely:

(a) Basic life necessities, such as food, accommodation, sanitation, basic health care that includes supplementary foods for malnourished children, and immunization;

(b) Assistance in education, ranging from pre-school and primary education to foreign language training, even though these children are not of Thai nationality and are not registered as inhabitants of Thailand;

(c) Vocational training, such as typing, and training in home economics and mechanics, etc.

382. On another front, a large number of undocumented migrants, illegally entering Thailand in search of employment, are at present on Thai soil. Estimates suggest that there are several hundred thousand of this group, especially from Myanmar.

383. The influx of displaced persons, asylum seekers and illegal immigrants has, however, resulted in two main types of problems for Thailand:

(a) Problems caused by asylum seekers and displaced persons from the Lao People's Democratic Republic, Viet Nam, Myanmar and Cambodia in the past:

(i) Problems of administration, management and financial burden, despite some international assistance;

(ii) Political problems caused by negative attitudes towards the Government by certain groups of people, which include criticism by the media of the treatment of displaced persons, and the possible misunderstanding and scepticism of the neighbouring countries;

(iii) Economic, social and national security problems;

(b) Problems caused by undocumented migrants from Myanmar arise when, as illegal immigrants, they compete with Thais for jobs and encroach on their farmland. There are also other problems relating to border security, control and care of the illegal immigrants, drug-trafficking and political relations with Myanmar.

Problems

384. In dealing with children in refugee situations, Thailand does not generally accept the refugee status of these people since Thailand is not a signatory to the 1951 Convention relating to the Status of Refugees. All these people, from Indo-China and other neighbouring countries are generally considered illegal immigrants. In view of this, Thailand has made reservations to three articles of the Convention on the Rights of the Child: article 7 concerning nationality, and articles 22 and 29 (c) concerning refugee children.

385. However, despite Thailand's reservations to the Convention, its treatment of the fleeing neighbours is based on humanitarian principles. Thailand has already granted Thai nationality to tens of thousands of the children of Vietnamese refugees who had fled Viet Nam during the 1950s, as stipulated by the Nationality Act (2nd version) of 1992. This lenient policy is considered a suitable compromise for the refugees.

Solutions

386. The future of displaced persons in Thailand, and particularly of their children, depends upon the humane laws and/or policies of all parties concerned, including the humanitarian assistance from the international community and international organizations concerned.

387. State responsibility of the countries of origin towards their own citizens who have been displaced should be a priority. This includes measures to tackle the root causes of displacement in the countries of origin and humane practices towards these persons in such countries.

388. The countries of origin should guarantee the safe return of all displaced persons with adequate measures for their protection, rehabilitation and reintegration, subject to international monitoring.

389. In the absence of the above-mentioned elements, displaced persons and their children, facing the emergency situation of armed conflicts, should continue to be given temporary refuge and access to basic necessities, such as shelter, education and health care, pending their safe return, as is the case in Thailand at present.

B. Children in conflict with the law

1. Judicial proceedings and the child

General situation

390. Thailand has special judicial proceedings for children and youth as is evident from the adoption of the Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991. This Act covers children and youths charged with criminal offences who numbered 8,948 in 1992, of whom 1,102 were convicted, with the intention of protecting, encouraging and helping children and youths via rehabilitation and reintegration rather than punishment.

391. This law stipulates that when a criminal offence is committed by a child or youth, he or she will be arrested by government officials who have the authority to detain him or her for a maximum of 24 hours for the sole purpose of interrogation. The child or youth must not be confined with adults nor in cells intended for adults, as part of the child rights protection measures. After the statutory time has passed, the officials must send the child to an Observation and Protection Centre where the child or youth will be cleaned, treated for illness and compelled to follow the rules of the Centre which today holds an increasing number of children.

392. At the Juvenile and Family Court, where the child is formally charged, the court will not strictly follow regular criminal court proceedings. It is forbidden to confine the child at this stage with handcuffs or fetters and chains. This is because it is considered that cases involving children and youths are sensitive and complex. The proceedings must take place in camera and the sentence must be passed by a judge, joined by an associate judge who is especially knowledgeable in child and youth affairs. If the child or youth is considered guilty as charged, the court can issue a temporary order or measure to deal with him or her.

393. According to criminal court proceedings, the court cannot condemn a child to life imprisonment. However, the child may be punished physically while being detained in an Observation and Protection Centre. This can happen when the child or youth breaks the rules and regulations of the Centre. Punishment varies from a maximum of 12 strokes of the cane, or being deprived of certain privileges and services.

Problems

394. The system of Juvenile and Family Courts in Thailand is limited and does not yet cover all parts of the country. It includes the Central Juvenile and Family Court in Bangkok, 8 provincial Juvenile and Family Courts, and Juvenile and Family Sections in 13 provincial courts.

395. The age guidelines of the court proceedings do not match the age guidelines in the Convention on the Rights of the Child, meaning that not all "children" receive the same treatment.

396. The period of detention before trial, at a maximum of 30 days, is too long. Furthermore, the period can be extended if prosecutors have sufficient reasons.

397. The number of children who have been deprived of their freedom is not known for certain; accurate figures are not yet possible to come by.

398. Immediate access to the law and other forms of assistance is a problem still without a solution. Efforts by non-governmental organizations have not been enough as the organizations are small. There are as yet no legal guidelines on guaranteeing children their freedom.

399. The number of children in the Observation and Protection Centres is on the rise, which is a common problem in many modern societies where preventive measures to deter children from committing crimes in the first place are needed.

400. Children are still punished by caning in the Observation and Protection Centres when they break rules.

Solutions

401. The number of Juvenile and Family Courts should be increased to cover the entire country.

402. The Juvenile and Family Court should revise its definition of a child to 18 years of age to correspond with the Convention.

403. Laws regarding rights and freedoms should be revised and amended so that they are practicable and comprehensive.

404. The Observation and Protection Centres should be upgraded and punishments should no longer include caning.

2. Treatment of juvenile offenders

General situation

405. The Thai judicial system divides treatment of juvenile offenders into two categories: the first group, juveniles charged with criminal offences, have to undergo regular court proceedings unless the child lives in, or the crime was committed in, an area where there exists a Juvenile and Family Court; the second group, a child who is depraved or behaves in a manner not consistent with his or her age but who has not actually committed an offence, will be subjected to welfare protection procedures to be undertaken by the ministries and agencies concerned.

406. Juvenile offences. The Penal Code makes no exception for juvenile criminal offences; therefore, a child can break the law in theory. However, in actual practice, a young child could not possibly know or understand the implications of his or her act. In this case, though the offence has been

committed, it is without any motive or intention and the child cannot be considered guilty, his or her act lacking all the elements that make up a criminal offence.

407. Juvenile justice system. Thai law limits children's criminal responsibility by their age. Children under 7 years old are not liable to criminal punishment. Those between 7 and 14 are not liable to any punishment either, but the law gives the court the option to use juvenile procedures, depending on the children's behaviour and environment and other mitigating circumstances, thereby giving the children an opportunity to turn over a new leaf rather than punishing them severely as a deterrent. Above that age, youths may have to face criminal punishment, but the court may use its discretion to reduce the sentence.

408. In provinces where there are Juvenile and Family Courts or Juvenile and Family Sections, the juvenile justice system is applied including: rehabilitation, vocational training and family reunion. However, in provinces with no such structure, adult procedures will be applied according to the nature and the extent of the offences, with the exception of the sentencing stage when the juvenile justice standard is allowed by the law.

409. The death penalty and life imprisonment cannot be applied to children and youth and the punishment cannot be increased due to repeated offences.

410. Interrogation and court proceedings for a child offender. The law prohibits the arrest of a child offender unless the offence is flagrant or if the aggrieved party singles out the child to police and insists on his or her arrest. The law gives the investigating officer the right to detain the child for not more than 24 hours and will then have to speedily send the child to an Observation and Protection Centre where the child will be provided with appropriate accommodation, food, education and vocational training on a case-by-case basis. Child offenders have a right to bail during the investigation or during the trial. The bail procedures or criteria for bail application are not as complicated as the ones applied to adult offenders. If the child is prosecuted in a Juvenile and Family Court, the court proceedings must be in camera and the child's first and family names must be withheld. The quorum in court for the trial must comprise one career judge and two other associate judges, one of whom must be a woman.

411. Sentencing of a child offender. If the child confesses to the crime or if the evidence points conclusively to the child's guilt, the Juvenile and Family Court or the regular court may exercise the following discretion in its decision:

(a) If the child commits a minor offence and his or her conduct is not damaging, the court may admonish and then release the child unconditionally;

(b) If there are mitigating circumstances and the child's conduct is not too damaging, the court may consign the child to the care of his or her parents or legal guardian or the person with whom the child has been living on condition that they pledge bond with security;

(c) If the circumstances of the offence are violent and the child's conduct is damaging, but the child does not deserve a sentence to criminal punishment, the court may consign the child to the care of parents, legal guardian or the person with whom the child has been living, subject to bond with security and probation;

(d) If the circumstances of the offence are violent and the child's conduct requires correction, the court may order the child to be detained in an Observation and Protection Centre for a certain period of time which must not last longer than the offender's twenty-fourth birthday. Alternatively, the court may order a maximum or minimum period of training at the Centre;

(e) If the circumstances of the offence are as serious as an adult's and the child's conduct is very damaging and not conducive to the application of juvenile procedures, the court may sentence the child to prison but the sentence must be reduced proportionally.

412. Treatment of juvenile offenders after the sentence. When the Juvenile and Family Court or regular court has passed a judgement on the child, if the child's behaviour later improves, the court may reconsider the case and order a better treatment for the child or youth offender. On the contrary, if the child's behaviour deteriorates, the court may instigate new controls on the child.

413. Institutions for holding juvenile offenders. The agency which is directly in charge of juvenile offenders who have been convicted is the Observation and Protection Centre. The Observation and Protection Centre is a government agency set up under the Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991. The Observation and Protection Centres are agencies which work with the Juvenile and Family Courts, i.e. when a Juvenile and Family Court is set up anywhere, an Observation and Protection Centre is also set up alongside it. Currently there are 11 Observation and Protection Centres throughout the country, all operating under the same authority and functions, differing only in their structure. There is one Central Observation and Protection Centre with jurisdiction over Bangkok Metropolis, while other provincial Observation and Protection Centres are under the control of the Juvenile and Family Section within the Provincial Court and have jurisdiction over the respective provinces.

414. Government rules and regulations on the treatment of juveniles. In 1992, the Central Observation and Protection Centre of the Central Juvenile and Family Court issued regulations governing the operation of the Observation and Protection Centres, training schools and annex training schools as follows:

(a) If a child or youth were to be sent to an Observation and Protection Centre during office hours, the child or youth should be sent directly to the Observation and Protection Centre. If the child were to be sent outside office hours, he or she should be sent to a remand home or a training school where officials are on duty on a 24-hour basis;

(b) Once the child is admitted to the Observation and Protection Centre, his or her name will be added to its register. The child will be issued with a registration number and an identification card. In inspecting the child's personal effects, if the official finds among them cash or valuable objects, he will deposit the assets with another officer and let the child affix his or her signature to the deposit list. But if any prohibited objects are found, he will report the find to his superior. The child will undergo a thorough medical check-up, physically and mentally; he or she will also be tested for AIDS and traces of drugs. Once the child puts on the uniform, he or she will have to follow all the rules and disciplinary regulations of the Centre during the period of detention. If any child or youth is unfit for the Centre's detention for reason of a possible escape or for other reasons, he or she may be sent to a prison, but not without prior authorization;

(c) Children or youths detained during investigation in remand homes or training schools will be monitored by psychologists, social workers, teachers, and heads of house. They will focus their attention on the child's behaviour, habits, attitude and conduct and will interview the child on the reasons for the crime. Any recommendations for treatment or correction for each child or youth will be noted and compiled into an observation report which, along with a report from the probation officer and a medical report, will be submitted to the court.

415. In addition, there are implementation measures on the following:

416. Education. Children and youths in Observation and Protection Centres who have not yet completed primary education will receive general education at the primary level. If they have graduated from the primary level, or its equivalent, they will be trained for a suitable job. They will receive physical education and play sports and have access to recreational facilities and libraries. They will be trained in morals, ethics and manners and on the dangers of narcotics. They will be subjected to evaluation of vocational and behavioural training every six months, with improvements being noted to their credit and then rewarded. The rewards available are: permission to sleep in an unguarded dormitory, home visits, external schooling or training or release after a minimum period has elapsed or release before the detention term expires by a court order. In the case of children and youths not progressing or actually posing a threat to society if released, the centre will seek a court order extending the training and observation period. However, the extension must not last beyond the offender's twenty-fourth birthday.

417. Health care. Each Observation and Protection Centre is provided with a medical centre to look after both the mental and physical health of the child. If the child becomes seriously ill outside office hours or on holidays, he or she will be immediately admitted to hospital. During office hours, a resident nurse looks after the child's health in conjunction with a physician. If a child falls seriously ill during office hours, he or she will be sent to the medical centre. If the child or youth is mentally or physically impaired or socially maladjusted, he or she will be counselled by social workers or psychologists specializing in those problems. As for contact with their relatives, the Observation and Protection Centre has the following rules:

(a) Those entitled to visitation rights are:

  (i) The father, mother or legal guardian;

  (ii) Close relatives;

  (iii) Authorized persons, except friends who are absolutely prohibited unless accompanied by the detainee's parent(s) or legal guardian;

(b) An authorized visitor must present his/her identification card or any satisfactory evidence to the centre's officials before being admitted;

(c) Visiting hours are weekdays from 13.30-16.00, Saturdays from 9.00-11.00 and public holidays. Visits or gifts are not allowed outside the regular visiting hours. Visitors may visit only once a day, and not take more than 20 minutes. No more than two persons are allowed to visit the child at a time.

418. If the visitation to the detained child or youth is considered to be detrimental to the child, to the authorities, to the investigation or to the trial, it will be denied, unless it is the detainee's legal counsel. If visitors strictly follow the rules but do not receive cooperation from centre officials, or if the officials or any other persons ask for bribes, the visitor should file a complaint to the chief of the remand home or the training school and its annex or may complain directly to the director of the Central Observation and Protection Centre.

419. Incoming or outgoing correspondence will be strictly screened first. Those missives deemed inappropriate will be censored and may or may not be posted or forwarded to the child or youth.

420. Appeal procedures in case of unfair treatment. There are no procedural rules on appeals when a detainee is unfairly treated. However, there are rules stating that when a child or youth is punished by caning, the results of the punishment must be recorded on the child's identification card and also reported to the head of the centre every time. Therefore, when a child is unfairly treated, he or she may complain to the head of house or the centre's director. They may also inform visiting relatives of the maltreatment who may take up the matter with the director on their behalf. Outsiders are not permitted to monitor the Observation and Protection Centre's internal conditions which are known only to centre officials and its director. Relatives will know only from what they are told by a detainee.

421. However, the Juvenile and Family Court has realized that improvement of the situation inside the centres as well as of the investigation process is necessary. Efforts have been made to change some of the procedures, e.g. the utilization of a child-friendly approach in investigation, the classification and suitable treatment of individual juvenile offenders, etc. The Court is also experimenting with a pilot project with a specialized NGO by inviting the NGO to organize recreation and group dynamic activities for juvenile offenders in one of the centres, with the aim of expanding the activities throughout the system later on.

Problems

422. Child offenders do not all receive the same treatment. This is because the Juvenile and Family Courts exist only in some provinces, 11 to be precise. Only those children and youths who originate from or reside in the provinces under the jurisdiction of these courts or those who have committed their crimes in provinces under the jurisdiction of these courts will receive the special lenient treatment. Other youths and children will be treated very much like adults both in their detention and court proceedings.

423. Statistics about child offenders are still not systematically compiled. Only data on children in Observation and Protection Centres are available.

424. In the absence of proper statistics, it is difficult to verify whether the court-appointed measures are indeed implemented and whether they do indeed deter the child from committing a repeat offence.

425. Disciplinary action against children is an essential part of bringing up children under one's control. Because of this, schools, welfare homes or Observation and Protection Centres issued disciplinary rules and regulations which aim at child care and upbringing. However, if any disciplinary action is actually an act of violence or torture, or wilful assault, the person who commits the act is liable to criminal punishment.

426. The law prohibits any form of the media to name a child offender in its news presentation. If the media act in contravention of the law, they will be liable to criminal punishment. However, there is no legislation protecting the child from certain types of exploitation, including advertising, humiliating exposures on television, sports competition or shows that are so demanding that they are considered acts of cruelty to the child.

427. Problems with protecting the rights of child offenders:

(a) Budget. There are certain budgetary constraints preventing the expansion of the Juvenile and Family Courts to each and every province, as well as the establishment of Observation and Protection Centres, despite the increased budgetary allocations to the Ministry of Justice for the establishment of a Juvenile Family Section in several provincial courts;

(b) Personnel. There is a shortage of qualified personnel in the training and protection of children who have committed crimes and those who have behavioural problems;

(c) Policy. There is a need to formulate a clear government policy or programmes for organizations working for the welfare and safety of children who have committed crimes or those who have behavioural problems.

Solutions

428. The Juvenile and Family Courts or the Juvenile and Family Section of provincial courts should be set up in every province in the country, backed by sufficient funds from the Government. The Government has already

increased the budget allocated to the Ministry of Justice for the establishment of a Juvenile and Family Section in several provincial courts.

429. Statistics should be systematically compiled on child offenders, especially repeat offenders, so that solutions can be found.

430. There should be measures to discipline children other than physically. This is because physical punishment may be akin to torture or wilfully harming the child.

431. Alternative ways should be sought to prevent the media from reporting the name and surname of a child offender.

432. There should be training for trainers and other staff members so that they understand the protection of child offenders' rights and the provisions of the Convention and international laws.

433. Clear policies for organizations which are working for the welfare and safety of child offenders should be formulated.

434. There should be clear guidelines on appeal procedures in case of unfair treatment in Observation and Protection Centres.

C. Children in situations of exploitation

1. Child labour

General situation

435. The Thai Government has ratified the following ILO Conventions concerning children:

(a) Thailand ratified ILO Convention No. 29 concerning Forced or Compulsory Labour on 28 February 1969. As a result, all employers had to adhere to the Ministry of Interior regulation of 18 April 1973 on labour protection, prohibiting the use of child labour against the will of the child, detaining or confining the child or committing acts of violence against the child;

(b) Thailand ratified ILO Convention No. 127 on Maximum Weight, 1967, on 26 February 1988. Consequently, the Ministry of Interior issued a regulation on 18 January 1990, article 3 (4) of which prohibits children aged between 13 and 16, from lifting, carrying or hauling objects weighing over 10 kg.

436. The law states that employers may not employ children under the age of 13. They are also prohibited from employing children aged between 13 and 18 for 10 hazardous jobs as follows:

(a) Refining, blowing, moulding or rolling of metals or other materials;

(b) Stamping metals or other materials;

(c) Jobs involving extreme heat, cold, vibration, noise or light at a level which is harmful to the workers;

(d) Jobs involving chemicals which are officially listed as hazardous;

(e) Jobs involving toxic microorganisms such as viruses, bacteria or fungi;

(f) Jobs involving toxic substances, explosives or inflammable substances (petrol stations are the one exception);

(g) Jobs involving driving or controlling forklifts or cranes;

(h) Jobs using electric or mechanical chainsaws;

(i) Jobs to be carried out underground, underwater, in caves, tunnels or craters;

(j) Jobs involving radioactivity.

437. Employers are further prohibited from employing children aged between 13 and 18 in the following places:

(a) Abattoirs;

(b) Casinos or gambling dens;

(c) Dancing halls (international or traditional folk dancing), with or without hostesses;

(d) Restaurants or other types of eatery where alcoholic drinks, tea or other beverages are sold and served;

(e) Massage parlours or Turkish bath-houses which offer special after-service facilities to customers.

438. Labour protection laws state that children between 13 and 18 years of age must not work more than eight hours a day. Children older than 13 but younger than 15 are prohibited from working on public holidays, overtime, or from 22.00 hrs-06.00 hrs unless the child is acting in a play or movie or similar show.

439. Other laws concerning minimum wages, social securities and safety for adult workers are applied equally to child labour.

440. Violations of child labour protection law, i.e. Revolutionary Party Announcement No. 103 dated 16 March 1972, article 8, are punishable by a prison term of 6 months or a fine not exceeding 20,000 baht. The Penal Code stipulates a penalty of 5 years' imprisonment and a fine not exceeding 10,000 baht for unlawful detention or deprivation of liberty. If the crime is committed against a child under the age of 15, the offender is liable to 3-10 years' imprisonment and a fine not exceeding 20,000 baht.

441. Statistics concerning child labour in Thailand are derived from various sources: the Labour Force Survey and the Child and Youth Survey of the National Statistical Office, the Industries and Workers Survey of the Ministry of Labour and Social Welfare. A Comprehensive Report on the Situation of Child Labour in Thailand reported in 1993 that, in the 13-19 age group, there were 4.1 million children in the labour force. Among them, at least 525,300 were children between 13 and 14 years of age. The Labour Force Survey 1993 showed that there were 516,800 working children and another 17,600 who engage in some kinds of work at some time, including those unemployed, looking for work and part of the seasonally inactive labour force. This number covered a wide range of work, but for children who are engaged in employment, the industries and workers statistics show that, in 1990, there were at least 95,184 children (13-18) who worked in enterprises of whom 60,926 were girls and 34,258 were boys. Another source of information on young workers is the record of labour inspection. In 1993, it stated that 24,001 and 4,506 children under the age of 18 were working in the production industry and in the wholesale, restaurant and hotel industry respectively.

442. Basic education in Thailand is being extended from six to nine years. This recent trend is in line with the legal minimum age of child labour at 13 years of age.

Problems

443. Labour inspection is neither adequate nor comprehensive, especially in small-scale enterprises. These enterprises carry out subcontracted assignments whose outputs and workers are not easily regulated. There is no legislation directly protecting child labour in agricultural undertakings.

Solutions

444. The child labour protection law should be amended by raising the minimum age and reducing their working hours to six hours a day.

445. Compulsory education will be extended from six to nine years, and primary and lower secondary school pupils should be educated on labour conditions and labour protection before their entry into the labour market.

446. Scholarships and educational loans should be increased, local job creation encouraged and occupational training and management techniques that attract children to self-employment promoted.

2. Children addicted to drugs and volatile substances

447. Thailand currently has no data on the number of children and youths addicted to drugs. However, statistics of 1990-1993 from the Office of the Narcotics Control Board show that increasing numbers of children and youths turned themselves in to drug treatment and rehabilitation centres over the years, i.e. 448, 697, 1,250 and 2,307, totalling 4,702. The most preferred drug was heroin, followed by volatile substances or glue, cannabis and amphetamines, in that order.

448. As for children and youths smoking cigarettes, the National Statistical Office found that in 1991 there were 2.4 million smokers aged between 10 and 24 representing 23.1 per cent of smokers of all age groups or 12.4 per cent of the child and youth population.

449. Drug addiction is a problem which every country in the world, including Thailand, has to face. It is a problem which is getting worse by the day, bringing with it untold hazards and harm, be it to the health of children and youth or to society as a whole. According to studies conducted by the Office of the Narcotics Control Board and other studies, children and youth become addicted to drugs and volatile substances for the following reasons:

(a) Curiosity led about half of the young addicts to experiment with drugs;

(b) About 20 per cent were introduced to the habit by their peers;

(c) About 17 per cent use drugs as an escape from psychological problems or as a cure for diseases;

(d) About 9 per cent use them as a psychological prop for socialization;

(e) Other reasons, such as making them work better, having too much free time, not having any family love and warmth or living in an environment where drugs are used or sold.

450. There have been many measures taken in the prevention and treatment of drug addiction among children and youth by many organizations both in the public and private sectors. These include the Office of the Narcotics Control Board, the Bangkok Metropolitan Administration's Departments of Medical Services and Health, the Police Department's Juvenile Aid Subdivision, the Student Patrol Division of the Department of Physical Education and the Duang Prateep Foundation.

Problems

451. Prevention and treatment of drug addiction is a service to assist and protect the welfare of children and youth so that they may live happily and peacefully in society. Nevertheless, the agencies concerned are confronted with a number of problems in their operations:

(a) Government agencies face budget constraints which in turn cause a shortage of necessary or specialist personnel and a lack of necessary and effective materials and equipment;

(b) Non-governmental organizations are confronted with the powerful drug lords' or traffickers' influence in the community, which warrants greater cooperation among NGOs, police officers and community administrative committees.

Solutions

452. New laws should be adopted and existing ones revised on an urgent basis to cover the sniffing of volatile substances among children and youth. Laws concerning the promotion of children's welfare should also be revised.

453. There should be stringent, continuous crackdowns on drug producers, traffickers, dealers and addicts. Efforts should be directed to prevention and suppression of drug abuse in the family, schools and community, both in the cities and rural areas.

454. Concerned authorities should increase their treatment and rehabilitation capacity to prevent a relapse.

455. Activities should be undertaken to make children and youth use their time in a creative and useful way instead of trying out drugs.

456. Promotional and educational programmes should be intensified to teach slum children about the dangers of drugs. All types of media available should be used.

457. There should be accurate and continued data collection on children and youths addicted to drugs and volatile substances.

3. Child victims of prostitution

458. This refers to both boys and girls under 18 who make a living by providing sex-related services. A variety of statistics on child victims of prostitution are available in Thailand. They include the following.

459. According to a UNICEF report, "Thailand's Children: A Situation Analysis of Children and Women in Thailand in 1993", estimates of the number of child victims of prostitution vary. The Police Department estimates 160,000 child victims of prostitution throughout the country, believed to be under 16. The Department of Communicable Diseases Control, Ministry of Public Health, carries out an annual survey by counting the number of prostitutes attending the venereal diseases clinics. They estimate there to be just under 86,500 prostitutes under 18 in Thailand. The Centre for the Protection of Child's Rights, an NGO which rescues children from prostitution, gives the highest estimate - 800,000 children below the age of 18. This figure was obtained by multiplying the estimated number of establishments with the estimated number of women per establishment. On the other front, the End Child Prostitution in Asian Tourism (ECPAT) campaign in Bangkok estimates that the number of prostituted children is currently around 250,000.

460. In 1994, the National Commission on Women's Affairs estimated 150,000-200,000 prostitutes, of whom not more than 20 per cent were children. Meanwhile, the Department of Public Welfare of the Ministry of Labour and Social Welfare put the number at 23,000 to 26,000. Another report submitted in 1994 to the Institute for Population and Social Research of Mahidol University, Thailand, estimated the number of prostituted children aged 11 to 17 to be 67,000 and 30,000-100,000 for the high-risk group and the non-risk or low-risk group, respectively. The former is based on risk factors including

four risk variables: (a) living in an urban area; (b) living apart from the family; (c) being a migrant within the last five years; and (d) not attending school, while the latter group includes children who are living in rural areas, non-migrants, living with family members and attending schools. On another front, the report estimated the number of prostituted children from the total number of commercial sex workers (CSWs). Based on an estimated 200,000 CSWs, it is suggested that the number of prostituted children is between 27,000 and 90,000 with 36,000 the most likely estimate.

461. In 1995, *The Progress of Nations*, a publication released by UNICEF, estimated that there were 100,000 children involved in prostitution in Thailand.

462. Differences in the statistics are partly based on different methodologies in data-gathering. This indicates that improvements in coordinating data are needed.

463. The main laws concerning prostitution, which also cover sale and trafficking for sexual purposes, are as follows:

(a) The Penal Code of 1956. Under the Code, prostitution is not illegal but procurement for the purpose of prostitution is. Further, consent of a child under 15 is no defence against the charge of rape. There are heavy penalties against child sexual exploitation;

(b) The Prostitution Suppression Act 1960. The Act was promulgated under pressure from the United Nations campaign for the abolition of prostitution. This Act replaced the Contagious Diseases Prevention Act of 1908, which aimed to control prostitution. The law was intended to eliminate prostitution by making it illegal. It applied sweeping measures against all forms of prostitution - adult or child, male or female, without distinction. However, the penalties are light;

(c) The Sale of Women and Girls Act 1928. The Act was passed as a result of the perceived increase in the numbers of foreign nationals in Thai brothels. This prohibits the sale of women and girls for any reason.

464. The reasons for child prostitution include:

(a) Since these children's families, especially rural families who make a living off the land, are poor, they have little or insecure income owing to low productivity - a desperate situation that partly contributes to their forcing their children out to find jobs elsewhere in support of the family. In other cases, parents willingly sell their children for money to spend or to settle their debts. The transaction has the added benefit (for them) of reducing their responsibilities in caring for the children. Because these families are poor, they lack love, warmth and understanding. This also causes many children to run away, frequent entertainment places and vice dens, and eventually end up in the sex business. Moreover, these uneducated parents are ignorant and uninformed of news on current events, causing them to push their children into prostitution;

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(b) Criminal networks often exploit children and their families. This is linked with the sale and trafficking of children noted later on;

(c) In some cases, sex workers willingly take up this occupation. They view it as an easy job, one in which they can dress up in fancy clothes and make lots of money. High-class prostitutes actually receive a lot of praise from their home communities as people view prostitution as a high-paying job that can help support their families;

(d) Many misconceptions still exist, some of which are imported, when it comes to buying sexual favours. The sex business has progressed into what has virtually become a kind of consumption or a regular service which is rather openly accepted. On the demand side, the customers have contributed significantly to this occupation's survival and durability. Without customers, sex workers would have to leave the business;

(e) Places offering sex-related services and pornographic materials are common and conducted in an open manner. This makes buying sex-related services all the easier;

(f) There is a general trend towards stressing the importance of the economy while social implications are overlooked. It can be seen, for instance, that in tourism promotion, foreign visitors are welcome regardless of the prostitution prevention policy or the purpose of their visit, such as for a sex tour.

465. The Government has three major initiatives to solve the problem of child prostitution. They are prevention, suppression and assistance.

466. Prevention. In order to prevent children from being lured into prostitution, there are many projects being implemented by several organizations, including Khamla Project and the Women's Information Centre, both run by the Foundation for Women. The latter aims to raise public awareness of the harsh reality of life as a prostitute.

467. Suppression. The Police Department is responsible for suppressing and taking to court brothel owners, procurers and pimps who force children into prostitution.

468. Assistance is provided to children who are lured and forced against their will into prostitution by torture. The relevant projects include the Centre for Assistance and Vocational Training Centre of the Department of Public Welfare, the Project on the Centre for the Protection of Children's Rights of the Foundation for Children, the Home for Battered Women of the Foundation for Women, the Emergency Home for Women and Children Project, the Project on Education and Occupational Training Centre for Women of the Association for the Promotion of Women's Status, the North Star Women's Friends Club, the Catholic Council of Thailand for Development, and the Ban Sukniran Home (or Eternal Happiness Home), among others.

Problems

469. There is inadequate law enforcement. A related problem is that there is selective application of the law. The Penal Code, which provides for heavy penalties for child sexual exploitation, is not utilized sufficiently. However, the law which provides for lighter penalties, (namely the Prostitution Suppression Act) tends to be used. This implies that perpetrators enjoy a degree of impunity.

470. There is a lack of coordination between organizations, both governmental and non-governmental. Action against criminals who exploit children is inadequate.

471. There are budget constraints in implementation, resulting in a shortage of trained personnel and institutions to provide assistance and vocational training.

472. Those rescued fail to follow the advice given to them, making many projects not as effective as they could be.

Solutions

473. More effective law enforcement needs to be fostered. The wide array of laws currently available against child sexual exploitation needs to be implemented in its totality so as to impose heavier penalties on the perpetrators. Officials should keep a watchful eye on investment in the expansion of the sex business.

474. There should be genuine economic development in rural areas, particularly the impoverished ones, so as to strengthen the family institution. If employment were provided to the locals, they would not have to migrate elsewhere.

475. The society should be made aware that the trade in women and children, be it by their own parents or pimps, is not a desirable act and runs against all ethics and morals as well as the child's rights. This trade should be suppressed as speedily as possible by providing parents and concerned persons with education and information as well as using legal measures to clamp down on the trade.

476. Laws and State mechanisms should be revised to increase their efficiency in the prevention and suppression of prostitution as well as the prosecution of those who are involved with sexual exploitation of children, including the "customers" themselves. Education and vocational training should be provided to allow people better jobs. Welfare assistance operations should also be improved to increase their efficiency.

477. The general public as well as government agencies concerned should be quickly made aware of the negative impact of prostitution on the socio-economic conditions of the country. They should also be informed of the Government's policies and measures on this issue so that they may give more cooperation in prevention and suppression.

478. Every form of the media should be regulated, monitored and developed so that they will not present any news on the sex business or news that creates undesirable views on prostitution. These would include news implying that prostitution is a lucrative job while omitting to stress the social implications and future problems in the prostitute's life.

479. Promote and support organizations to have clear-cut principles and guidelines on tourism promotion. They will have to emphasize culture and tradition as well as natural sites and scenery, and not the sex industry in their promotion.

480. Promote and support the cooperation between governmental and non-governmental organizations; the latter in particular, along with the general public, should be encouraged to help prevent and solve the problem of prostitution.

481. Promote the setting up of an information system on the sex industry and child prostitution.

4. Child victims of sexual abuse

482. Such children are those aged 15 and under who have had sex crimes committed against them, or crimes which are sex-related. The offender would have forced or threatened the child to satisfy the sexual desires of the offender. The problem stems from:

(a) Unsuitable upbringing in childhood. Many children have been neglected or mentally and physically abused by their parents. They have had no affection, warmth or anyone on whom they could depend. They exhibit antisocial behaviour or an inferiority complex and harbour aggressive thoughts that manifest themselves in such antisocial acts as rape;

(b) Social values biased in favour of male domination over women. Women have to gratify men's sexual desires or become their playthings. Men, when disappointed with their wives, lovers or prostitutes, will find another woman on whom they can vent their sexual desires, which may give rise to sexual abuse;

(c) The media contributing to creating incorrect attitudes toward sex. Books and pornographic videos and pictures are commonplace in society. This builds up sexual desires in people which is one of the primary causes of sexual abuse such as rape.

483. Both the Government and the private sector have several agencies directly responsible for helping children who have been raped. Their work can be summarized as follows.

484. In prevention, there are laws against sexual misconduct. The Penal Code, part 2, title 9, is implemented by the Police Department and the Ministry of Justice. Moreover, there is the Khamla Project, with its emphasis on instructional materials at the primary level for girls who are rape victims, run by the Foundation for Women.

485. To address the damage caused by rape, there are many public and private organizations giving assistance to children who have been raped. Assistance is provided by the Department of Public Welfare, the Emergency Home of the Association for the Promotion of Women's Status and the Centre for the Protection of Children's Rights of the Foundation for Children. Physical and psychological rehabilitation is provided by the Ministry of Public Health and various hospitals and treatment centres. Litigation against the offenders is pursued by the Police Department and by the Centre for the Protection of Children's Rights of the Foundation for Children.

Problems

486. The police can press charges of sexual intercourse or rape against somebody only if the offender's sex organ has penetrated the child's sex organ. If not, the act will be considered only an "indecent act".

487. When a child is raped, especially by someone close, the offence is not usually reported for prosecution.

488. There is an insufficient budget for the operation, resulting in a shortage of trained and experienced personnel to help solve rape problems.

Solutions

489. Relevant laws and regulations should be revised to provide protection to children who are rape victims.

490. Serious and effective campaigns should be conducted to prevent and crack down on rapes and indecent activities.

491. A close watch should be kept on the social environment, for example, on entertainment places and all forms of the media so that they do not arouse sexual desires in members of the public.

492. Education should be provided and statistics gathered on rape.

5. Sale, trafficking and abduction of children

493. According to the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography, sale and trafficking of children means "the transfer of a child from one person (including biological parents, guardians and institutions) to another, for whatever purpose, in exchange for financial or other reward as compensation".

494. A number of related laws in the Penal Code are applied when trafficking cases are considered, including restraining and holding others against their will, thus depriving them of their personal liberty (sects. 310, 311 of the Penal Code); abduction of minors (sects. 317-319 of the Penal Code); accompanying or transporting people out of the Kingdom (sect. 320 of the Penal Code).

495. The sale of children and child trafficking are especially linked to child labour and child prostitution on the one hand, and to adoptions, on the

other hand. The various laws discussed above under the section on child victims of prostitution also apply there. The problems may be divided into the following categories.

496. Domestic trafficking is motivated by the need to use the child as a tool to commit criminal offences, ranging from theft and robbery to drug smuggling and begging (see the statistics on child victims of prostitution provided earlier).

497. There is serious trafficking of children for prostitution and labour from China, Myanmar, the Lao People's Democratic Republic and Cambodia into Thailand. The exact numbers are unknown, but part of the statistics on child victims of prostitution and labour noted earlier would also cover victims from neighbouring countries.

498. The problem of international trafficking from Thailand to foreign countries deals with voluntary or forced outflow of children from the Kingdom with the well-funded help of local and foreign agents who promise to find them profitable and acceptable work abroad in developed countries in Asia, Europe and North America. Upon their arrival in the foreign country, their passports and return airline tickets are taken away from them by their employers. Finally, they are forced to pay back their debt as prostitutes for the local clientele or as special companions for foreign paedophiles. Estimates on the issue of international trafficking rarely distinguish between girls and women, although some victims are believed to be below 18 years of age. HELP Asian Women's Shelter in Japan reported in 1994 that since 1988 the number of Thai women found in the Japanese sex industry has increased greatly. Japanese immigration authorities estimated in 1993 that the largest group of women working without visas in Japan were Thais, who accounted for 29,759 of the illegal immigrants in may 1993. Moreover, the Coalition Against Trafficking in Children, an advocacy group, estimates that there are 150,000 sex workers, 40 per cent of whom are from Thailand. The number of Thai prostitutes arrested in Taiwan, according to official statistics, is also significant. There were 178 women in 1992, 45 women in 1993 and 19 women as of the end of March 1994.

499. Although Thailand has both specific criminal laws and other related laws on trafficking in children, the current legal framework for dealing with trafficking is weak. The Sale of Women and Girls Act 1928 does not cover trafficking in boys, nor does it address the selling of Thai women and girls outside Thailand. Also, trafficked victims are remanded to a penal reform institution. In addition, the law does not distinguish between voluntary prostitution and forced prostitution since, according to the Prostitution Suppression Act 1960, even a person who is lured or forced into prostitution is liable to imprisonment and/or a fine. Not only are the sanctions against abusers too light but there are several inconsistencies and contradictions between related laws. The Sale of Women and Girls Act exempts women or girls trafficked into prostitution from imprisonment or fines, while the Prostitution Suppression Act makes no such exemption.

500. Regrettably, the victims of trafficking for sexual purposes at times land up in detention due to the application of the various laws on

prostitution. When they are released from detention, their exploiters (e.g. brothel owners) may try to coerce them back into their former situation.

501. International trafficking of children from Thailand into Malaysia is often related to a practice normally geared to adoption. The adopted parents most probably expect to depend on the adoptive child later on in life. The abducted children in this category are aged between 2 and 11 months or even one year. They could be of either sex. Most of the abducted children are from poor families which fail to take care of them properly. The number of children involved has never been established because there is no government agency specifically responsible for the collection of data on trafficking in children. However, there is a non-governmental organization, the Centre for the Protection of Children's Rights, that has carried out research and studies on the issue.

The Centre rescued the following numbers of children from 1986 to 1995:

Year	No. of children
1986	6
1987	50
1988	10
1989	11
1990	9
1991	5
1992	-
1993	-
1994	-
1995	2

N.B.

1. During 1992-1994 the Centre did not monitor child trafficking cases directly. There were other circumstances involving children, such as stray or lost children, street children, child victims of prostitution and torture.

2. The case of two children reported in 1995 are still being pursued by the Centre.

502. Child trafficking for sexual exploitation in Thailand involves both girls and boys, but the pattern of trafficking is rather different according to the gender. A large majority rescued were in the 15-17 age group, but some of the youngest girls had already worked as commercial sex worker for one year or more. But a large number of boys were found forced to have had sexual intercourse with foreign paedophiles. The age of these young boys varied from 12 to 17. Although few data are provided on the trafficking of young boys, local NGOs say that the trafficking of boys has occurred mainly to supply international paedophile rings. Regional trafficking of young boys has never been as well organized as trafficking in girls because foreign and local paedophiles has access to street boy prostitutes quite easily.

503. The trafficking in children is committed in a straightforward manner. Children's weakness lies in their defenselessness, particularly when they are left unattended. They are easily attracted by money, toys or sweets and can be taken bodily without much physical violence. Some children are taken from their minders who are not much older. An offender can operate in the guise of domestic help and take the child with him/her while the parents are out. Others assume the guise of child lovers and ask the parents or minders if they can hold the child who can be easily abducted as soon as the parents' attention is diverted elsewhere. Abducted children are sold for about 60,000-80,000 baht per head, depending on the child's looks and build. The offenders normally pay the Thai agents 5,000-7,000 baht for one child.

504. The rescue operation begins when the parents or guardians report the abduction to the local police station or to the Crime Suppression Division. The police then gather all relevant evidence, especially the physical description of the abducted child, and often make a sketch of the suspect before conducting the investigation. In cases when the abduction is reported to the Centre for the Protection of Children's Rights, the Centre will coordinate with officials involved, notably police officers, concerning basic information about the case. The Centre also assign its officers to monitor these cases both in and outside the country.

Problems

505. The suppression of child trafficking is hampered by a lack of legal clarity and inadequate enforcement.

506. Lack of evidence, particularly clear descriptions of the abducted child, could cause a problem for officials involved in data collection, tracing and rescue. This happens when the child in question is very young and cannot be well remembered by parents, relatives or guardians.

507. Child trafficking cases are sometimes not processed properly by the police. Parents are told to look for the abducted child first before officially reporting the case or the police treat the case as that of a missing person. In the case of a missing person, once the child is rescued or returned, the police's responsibility ends and the case may be considered closed. But a child abduction or trafficking case necessitates lengthy and time-consuming investigation at the end of which all culprits are expected to be arraigned.

508. Thailand has a long border with Myanmar, the Lao People's Democratic Republic and Cambodia. Thailand and Malaysia are separated by a long land and sea border which does not lend itself to comprehensive monitoring and control against child abduction and against the use of each other's territory as a base for trafficking. Besides, Thailand has not reached bilateral agreements on crime prevention and suppression with its neighbours.

509. There is no central unit to coordinate all crackdown efforts or collect information on child trafficking.

Solutions

510. Laws specifically dealing with trafficking in children should be added to the Penal Code. There should be provisions and penalties that are commensurate with the offence and conducive to law enforcement efforts.

511. Bilateral cooperation between Thailand and countries bordering Thailand should be promoted in this connection, including treaties, agreements and coordination of officials concerned at all levels.

512. The "Community Watch" mechanism should be introduced whereby members of each community, including children and youth, join hands in preventing, checking out and reporting child trafficking cases to the authorities.

513. An operational and research centre on child trafficking should be set up by the authorities. It should actively coordinate and network with NGOs already dealing with the issue, while the latter should also expand the scope of their activities. There should be more coordination and cooperation among government officials, NGOs and the communities in this area.

514. A public education campaign should be launched on the relevant provisions in the Convention on the Rights of the Child.

D. Children of minority or ethnic groups

1. Hilltribes

515. Integration policy. A 1976 Cabinet resolution introduced an integration policy for various hilltribes, aiming at developing their potential as self-reliant Thai citizens while enabling them to maintain their culture in parallel with that of the majority. The policy on hilltribes underwent another refinement in 1989 when it assumed a new title: the "policy to address national security problems concerning hilltribes and narcotic crops cultivation". The hilltribes are encouraged to settle permanently in order to conserve natural resources. Their communities are governed under the rule of law. The hilltribesmen are turned away from opium poppy cultivation and opium smoking under crop substitution programmes while their standards of living are improved.

516. Population distribution. According to the Tribal Research Institute's 1992 statistics, there are a total of 9 tribes, in 20 provinces, 88 districts and 11 lesser districts, with a total population of 573,369.

517. Thai nationality. The 1992 regulation of the Bureau of Central Registration on the recording of Thai nationality in hilltribe house registration grants Thai nationality to those tribesmen who had been included in the census of 1985-1988 under a Cabinet-approved programme of 24 April 1984.

518. Spiritual development. Government support is given to a Buddhist Traveling Missionary Project which is aimed at developing hilltribesmen spiritually right in their villages. The principles of Buddhism, the national religion, have been adapted to the tribesmen's day-to-day living. A target is

set to increase the number of newly ordained monks and novices to serve hilltribe communities by 150 each year. In 1992, there were 4,000 hilltribe monks and novices.

519. Social welfare. Every hilltribe child, with or without Thai nationality, can attend any one of the 50 welfare schools for hilltribes which have a current total enrolment of 1,260. He or she may also choose to attend primary schools run by the Border Patrol Police or the Office of the National Primary Education Commission and has the right to graduate with a primary school certificate. Pre-school hilltribe children are looked after at one of the 96 child development centres which are operated at remote villages by the Department of Public Welfare and the Department of Community Development. A social worker is detailed to look after a village that has no health station while the Ministry of Public Health delivers necessary medicines. Any case of serious illness will be referred to a health centre or a hospital. The patient is issued with a health card which entitles him/her to free treatment. The Government also supports a total of 970 village welfare centres, covering 1,800 villages. These welfare centres are run by the community for the community.

2. Muslims in the South

520. Policy. Since 1978, a special policy has been implemented in the five southern border provinces: Narathiwat, Pattani, Satun, Yala and Songkhla, with a combined population of 2.8 million of whom 52.6 per cent are Muslim. However, the Muslim population accounts for 75 per cent of the combined population of three provinces: Yala, Pattani and Narathiwat. Thai Muslims enjoy the same nationality rights and welfare benefits as Thai Buddhists. However, they differ from the Thai Buddhists in that they abide by Islamic rules in their everyday living from the cradle to the grave. Islamic law prevails in every sphere of their existence, from the family to education, the economy, politics and administration. The special policy has facilitated and accelerated socio-economic development in these provinces, with emphasis on the preservation of local identity and culture. Islamic schools (Pono) are promoted where general and vocational subjects are taught alongside Islam.

521. Legal framework for Islam. Two Royal Decrees were issued in 1945 and 1976 on the upholding of Islam. These laws contain provisions on the duties and authority of Islamic leaders from the local to the national levels. An Act on the Enforcement of Islamic Law in the provinces of Pattani, Narathiwat, Yala and Satun of 1946 appointed a datoh or a justice for each of these provinces to consider and judge court cases involving family disputes and inheritance within the framework of Islamic law.

Problems

522. Access to the minority groups concerning the provision of health, education and social welfare is at times inadequate.

523. A great number of children of minority groups fail to continue their education to the upper secondary level or find gainful employment in their own

community. Despite the presence of various programmes to assist them, sexual exploitation, drug addiction and the spread of AIDS also affect minority groups.

524. Environmental problems exert pressure on the livelihood of minorities, particularly the hilltribes.

Solutions

525. The coverage of social services should be stepped up, with special welfare benefits, family-assistance units and promotion of people's organizations.

526. More personnel should be trained to work in community development in areas where minority groups reside.

527. Occupational training and local job creation should be promoted.

528. Opium detoxification clinics should be set up in hilltribe areas.

529. An AIDS education campaign should be conducted in these sensitive areas.

IX. CONCLUSION

530. Thai policies and legislation facilitate the implementation and protection of child rights as stipulated in the Convention on the Rights of the Child. Child rights is a new concept that has made Thai people aware of the needs of the child as his or her due - needs that must be fulfilled because it is the child's inherent right and not because he or she is a helpless being.

531. In regard to implementation measures, there are certain drawbacks that need to be addressed to ensure non-discrimination and better protection of child rights. Certain services have been started but have not reached the remote rural areas. Some laws have not been enforced properly for a number of reasons, human or circumstantial. There is also a need to devise a systematic data-collection process, to ensure adequate planning, monitoring and evaluation of the implementation and protection of child rights.

532. The Thai Government is determined to overcome these problems and limitations and endeavours to devote its efforts to promoting child survival, development, protection and participation more effectively in the future, for it belies that the true wealth of the nation lies in its investment in and for the child. Needed measures include more interdisciplinary action, improved law enforcement, law and policy reform with more budgetary allocations and use of NGOs, local catalysts, the community and child participation in assisting children and their families. All efforts and projects should be coordinated and monitored by a comprehensive database and an effective information network. The true wealth of the nation lies in its investment in and for the child.
